

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

MICHAEL McKENNA,	:	CIVIL ACTION
WILLIAM McKENNA, and	:	
RAYMOND CARNATION	:	
	:	
v.	:	
	:	
CITY OF PHILADELPHIA	:	NOS. 98-5835, 99-1163

MEMORANDUM

McLaughlin, J.

October 25, 2012

Before the Court are applications for attorney's fees in a civil rights case brought against the City of Philadelphia by three former police officers. Submissions on the appropriate attorney's fees to award have come in from attorneys Brian Puricelli, Theodore Kravitz, and Annette Oakley, from the plaintiffs filing pro se, and from the defendant City. The Court will grant in part the fee requests of attorneys Puricelli, Kravitz, and Oakley, and deny the fee requests of Beth McKenna and Cynthia Palamone-McKenna.

I. Context

Because the fee applications at issue here come before the Court via an involved procedural history, before analyzing the petitions directly, a brief summary of the case and the fee petitions themselves is appropriate.

A. Background of the Case

The history of this case is reviewed here only in brief because the Court described the summary of events and procedural history of the litigation in detail in its Memorandum of Law describing why a new trial was not appropriate (Docket No. 307).<sup>1</sup>

After an eight-day jury trial on the plaintiffs' claims for retaliation under Title VII, 42 U.S.C. § 2000e, et seq., the jury found in favor of all three plaintiffs and awarded non-pecuniary damages in the amount of \$2,000,000 for Raymond Carnation, \$3,000,000 for William McKenna, and \$5,000,000 for Michael McKenna. After a subsequent evidentiary hearing, the Court awarded plaintiff Raymond Carnation back pay of \$208,781.

The Court then granted the City's motion to limit the jury verdict to \$300,000 for each plaintiff under Title VII's statutory cap on non-pecuniary damages, 42 U.S.C. § 1981a(b)(3). Accordingly, the Court entered a final judgment on July 24, 2009, awarding each plaintiff \$300,000 in non-pecuniary damages and awarding Raymond Carnation \$208,781 in back pay and \$46,560 in pre-judgment interest on his back pay award.

After trial and the entry of final judgment, on August 5, 2009, the plaintiffs filed "Plaintiff's Rule 15(b)(2) Motion

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<sup>1</sup>References to docket entries will relate to case 99-1163, unless otherwise noted.

to Amend the Pleading After Trial, and Motion to Enter Jury Award of Ten Million Dollars as a Pennsylvania Human Relations Claim Award and Final Judgment,” (Docket No. 282). That motion argued that the Court should recognize termination claims for William and Michael McKenna and a PHRA claim for all plaintiffs, which would avoid the Title VII statutory cap. The Court denied that motion on August 25, 2009 (Docket No. 288), in an Order that noted the Court had previously addressed the substance of plaintiffs’ arguments on those points in Orders dated May 15, 2007, and July 14, 2009.

On July 23, 2010, the plaintiffs filed a Second Amended Notice of Appeal (Docket No. 308) and on August 12, 2010, the City filed a Notice of Cross Appeal (Docket No. 311). The United States Court of Appeals for the Third Circuit denied both parties’ appeals in August of 2011.<sup>2</sup> Accordingly, the Court’s entry of final judgment remained unaltered.

#### B. History of the Fee Petitions

The parties’ positions on the attorney’s fees issues have evolved over time. The earliest petition for attorney’s fees was filed by attorney Puricelli on May 19, 2008 (Docket No.

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<sup>2</sup> McKenna v. City of Philadelphia, 649 F.3d 171, 172 n.1 (3d Cir. 2011) cert. denied, 132 S. Ct. 1918, 182 L. Ed. 2d 773 (U.S. 2012).

169), an updated petition was filed on May 28, 2009 (Docket No. 243), and a Supplemental Petition was filed by Puricelli on November 22, 2011 (Docket No. 334).

In the fee petitions prior to the Supplemental Petition, Puricelli sought fees on behalf of himself as well as his law partner (Theodore Kravitz), another attorney who assisted him with the case (Annette Oakley), and Cynthia Palamone-McKenna and Beth McKenna, who purportedly worked as legal assistants to Puricelli and are each married to one of the plaintiffs.

On October 13, 2011, the plaintiffs filed pro se an Emergency Petition requesting a conference with the Court (Docket No. 321). At that conference, which the Court held on October 21, 2011, the plaintiffs explained that they were terminating Puricelli's representation of them and were concerned about receiving their judgment through Puricelli because of the disputes that had arisen between Puricelli and the plaintiffs.

Specifically, Puricelli contended that the judgment should be disbursed through his law firm or placed in escrow because of an alleged contract that gave Puricelli discretion to accept either the Court awarded attorney's fees or forty percent of the total recovery, meaning attorney's fees combined with the judgment, as fees for his work in the case.<sup>3</sup>

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<sup>3</sup>See 10/21/11 Hr'g Tr. at 4 for Puricelli's description of the contract.

The plaintiffs disputed the validity of any such contract,<sup>4</sup> and conceded that their interest was solely in obtaining the judgment and that Puricelli would be entitled to any attorney's fees the Court awarded for his efforts.<sup>5</sup>

In order to avoid being placed in the middle of an internal dispute between clients and their attorney, and in order to avoid further delays in the payment of a judgment to plaintiffs who had been litigating the case for years,<sup>6</sup> the Court ordered the City to pay the judgment to the plaintiffs directly and terminated Puricelli's representation of the plaintiffs, but explained that Puricelli could represent his own interests in the case regarding his fee petition.

After that conference with the Court, Puricelli filed his Supplemental Petition, in which he no longer asserted that Kravitz, Oakley, or either legal assistant was entitled to fees. Puricelli expressly mentioned his renunciation of fee claims for

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<sup>4</sup>See 10/21/11 Hr'g Tr., Pg. 10.

<sup>5</sup>When the Court asked, "[W]ould Mr. Puricelli not be entitled to whatever attorney's fees and costs I'm going to award?" Mr. William McKenna replied, "Right. We agree then. He would get paid by . . . what Your Honor would be . . . awarding him." 10/21/11 Hr'g Tr., Pg. 12.

<sup>6</sup>Specifically, the Court said: "I so much want these plaintiffs to get their money as quickly as possible. And Mr. Puricelli, I can't imagine my relegating them to fight about this with you in State Court. It just doesn't seem fair to say - you know, put it in escrow, and then you're going to fight about it in State Court. It just doesn't seem fair to me. I can't imagine that's the right answer." 10/21/11 Hr'g Tr., Pg. 56.

Kravitz and the two legal assistants in his petition, but removed the application for fees for Oakley without making any direct reference to doing so.

The pro se plaintiffs filed a response on January 19, 2012 (Docket No. 341), arguing that Puricelli had no authority to withdraw the prior fee petitions because his representation of the plaintiffs had terminated so the fee petitions of Kravitz, Oakley, and the legal assistants still remained before the Court. In addition, the pro se plaintiffs highlighted certain entries in the attorney's fee applications that they considered inaccurate.

The defendant City submitted its Response to the Supplemental Fee Petition on January 30, 2012 (Docket No. 344), arguing that nobody except Puricelli should receive fees and that his fees should be significantly reduced.

Puricelli then submitted a reply on April 3, 2012 (Docket No. 360), arguing that Kravitz, Oakley, and the legal assistants could advocate on their own behalf for their fees but that his requested fees were justified.

Attorneys Kravitz and Oakley have since submitted filings to the court advocating for their respective fees. On April 5, 2012, Kravitz submitted a filing regarding his attorney's fees (Docket No. 361). On April 24, 2012, Oakley filed a Motion to Intervene that also laid out her defense of her original attorney's fee petition (Docket No. 363). The City

responded to that motion on May 10, 2012 (Docket No. 369) and Oakley filed a reply on May 18, 2012 (Docket No. 373).

Finally, on May 15, 2012, Puricelli submitted Plaintiffs' Supplemental Time for Award for Attorney Fees (Docket No. 372), to which the city filed an objection on May 25, 2012 (Docket No. 374). Puricelli's filing was unauthorized because it was filed without leave of the Court after the extensive briefing on the fee petitions had closed. In addition, Puricelli's time report in this latest filing consists of tasks related to his disputes with his ex-clients and former colleagues. Accordingly, for both procedural and substantive reasons, the Court disallows Puricelli's May 2012 Supplemental Filing and considers the November 2011 Supplemental Petition the operative fee petition for Puricelli.

## II. Analysis

Given the history of the fee petitions described above, although the Court considers the November 2011 Supplemental Petition to be the operative submission with respect to Puricelli's fee request, the Court considers the time entries submitted in the previous fee petitions as the operative requests for Kravitz, Oakley, and the two legal assistants.

As a threshold matter, the withdrawal or omission of

the fee applications of the other parties in Puricelli's Supplemental Petition is not binding on those other parties given that Puricelli's representation of the plaintiffs had been terminated by that time.

Although redundancy is a concern in assessing fee petitions, the Court considers it reasonable that three attorneys would seek fees for presenting the plaintiffs' case. The attorneys conducted an eight-day jury trial and obtained a favorable verdict for each of the three plaintiffs. It also bears mentioning that the City had multiple attorneys working on its behalf during the trial and otherwise.

A. Legal Standard

Plaintiffs' right to attorney's fees derives from 42 U.S.C. §2000e-5(k), which permits a district court, in its discretion, to award the "prevailing party" in a Title VII suit "a reasonable attorney's fee." The standards governing such awards are the same as those for awards governed by 42 U.S.C. §1988, which similarly provides that prevailing parties in civil rights cases may receive "a reasonable attorney's fee." See Hensley v. Eckerhart, 461 US 424, 433 n.7 (1983).

A reasonable attorney fee is one that is, "adequate to attract competent counsel, but which do[es] not produce windfalls to attorneys." Pub. Interest Research Group of New Jersey, Inc.



v. Windall, 51 F.3d 1179, 1185 (3d Cir. 1995).

Here, the plaintiffs are the prevailing party on their Title VII claims, although their efforts to secure a judgment for damages above the statutory cap of Title VII were largely unsuccessful.

To decide the appropriate awards, the next step is to determine what the lodestar is for each by multiplying the number of hours reasonably expended on the litigation by a reasonable hourly rate. Hensley at 433 (1983). The petitioner must submit verified itemization of the hours worked at the rates claimed. Id.

The defendant, if opposing the award, has the burden of challenging the reasonableness of the requested fee. Rode v. Dellarciprete, 892 F.2d 1177, 1183 (3d Cir. 1990). The District Court thereafter has considerable discretion to adjust the fee award in light of those objections. Id.

When reviewing fee applications, the Court conducts "a thorough and searching analysis." Interfaith Cmty. Org. v. Honeywell Int'l, Inc., 426 F.3d 694, 703 (3d Cir. 2005).

#### B. Kravitz and Oakley Awards

Because the fee petitions for Mr. Kravitz and Ms. Oakley were straightforward in that their requested hourly rates were not disputed and their time entries referred to work done on

the case either before or during the trial, the Court begins by calculating the awards for those attorneys before turning to the more complex issues raised by Mr. Puricelli's fee petition.

With respect to Mr. Kravitz, the Court awards \$15,900. This figure was calculated by multiplying 63.3 hours by Kravitz's rate of \$250/hour. The Court excised 6.3 hours from Kravitz's time entries that were dated August of 2006 because the case had not yet been remanded back to the Court from the Third Circuit at that point.

With respect to Ms. Oakley, the Court awards \$24,050. This figure was calculated by multiplying 120.25 hours by her \$200 hourly rate. Ms. Oakley's time entries claim 321.30 hours, but the Court excised 198.75 hours that relate to the preparation of a timeline or flowchart that Ms. Oakley was preparing but was never presented at trial<sup>7</sup> and another 2.3 hours because Ms. Oakley billed 9 hours for a meeting with Puricelli that Puricelli's entries list as lasting only 6.7 hours.

The Court considered Ms. Oakley's fee petition and the arguments she made in her Motion to Intervene (Docket No. 363) as well as her Reply (Docket No. 373) to the City's Opposition to her Motion (Docket No. 369). This Memorandum and Order resolves

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<sup>7</sup>In her fee petition, Ms. Oakley reported blocks of time and listed multiple tasks for the time. The Court excised all entries that mentioned the timeline project because the entries are not detailed enough to separate time spent on that project from time spent on otherwise possibly compensable tasks.

the outstanding fee petition issues in the case. Accordingly, Ms. Oakley's Motion to Intervene will be denied as moot.

C. Fee Petitions of Cynthia Palamone-McKenna and Beth McKenna

With respect to the fee petitions of Cynthia Palamone-McKenna and Beth McKenna, the Court will not award either of them fees. Although both fee petitions are submitted as petitions for fees for work performed as legal assistants, according to her own affidavit Beth McKenna's background is as a court reporter and notary public and not as a legal assistant, and the time entries for both women show the majority of their time was spent proofreading the plaintiffs' submissions to the Court. As both the City and Puricelli himself have noted, there seems to be no case law supporting the notion that the time spent by proofreading personnel can be charged to the defendant as attorney's fees.

Moreover, the fact that Cynthia Palamone-McKenna and Beth McKenna are the wives of two of the plaintiffs gives their work a different character than if they had been disinterested employees hired by Puricelli to assist with the case. Although the Court does not doubt that both women contributed to the plaintiffs' case, that work was done in a role more akin to an interested client or volunteer than as a professional legal

assistant. Both Cynthia Palamone-McKenna and Beth McKenna included attending settlement conferences and the trial in their time entries. Such activities are characteristic of an interested party and not ones that a professional legal assistant would be included in.

Generally, pro se litigants cannot recover attorneys' fees. See Kay v. Ehrler, 499 U.S. 432, 438 (1991); Pitts v. Vaughn, 679 F.2d 311, 313 (3d Cir. 1982). Because the role that Cynthia Palamone-McKenna and Beth McKenna played in this case is more naturally analogized to that of a pro se litigant than a professional paralegal, the Court finds that they cannot recover attorney's fees for their efforts on behalf of their husbands' case.

Indeed, a general principle when considering attorney's fees is that "hours that would not generally be billed to one's own client are not properly billed to an adversary." Pub. Int. Research Group of N.J., Inc., 51 F.3d at 1188. Just as Cynthia Palamone-McKenna and Beth McKenna would not consider their husbands obliged to pay Mr. Puricelli for their time spent on the case, neither will the City be held responsible for compensating them in the form of attorney's fees.

#### D. Puricelli Award

Puricelli's Supplemental Petition was much more

extensive and raised a number of lodestar issues not present in the fee petitions for Kravitz and Oakley. The nature of Puricelli's fee supplement raises three issues in particular: unsuccessful claims, unnecessary or excessive work, and the appropriate hourly rate. Each of these issues is discussed below. Because of the length of Puricelli's fee petition, the Court will describe in general the principles it applied to these issues and include in an Appendix a table that lists the Court's conclusion on each of Puricelli's time entries.

1. Unsuccessful claims

Unlike that of Kravitz and Oakley, Puricelli's fee petition includes a number of entries for work done after the conclusion of the trial. That work was largely designed to avoid the statutory cap on Title VII claims, but ultimately the plaintiffs were only awarded \$300,000 each along with backpay for Mr. Carnation. Thus, much of Puricelli's time after the trial was spent on unsuccessful attempts to avoid the statutory cap that reduced the original jury award.

The United States Court of Appeals for the Third Circuit, interpreting a Supreme Court precedent on the point, has held that fees should not be awarded for time that would not have been spent if the unsuccessful claim had not been pursued. Lanni v. New Jersey, 259 F.3d 146, 151 (3d Cir. 2001) ("The District

Court's downward adjustment was made under the rubric of Hensley v. Eckerhart, 461 U.S. 424, 433-35 (1983), which teaches that where a plaintiff prevails on one or more claims but not on others, fees shall not be awarded for time that would not have been spent had the unsuccessful claims not been pursued. The Hensley Court termed this a downward adjustment for 'limited success.' Id. at 436-37 . . . Accordingly, we find no abuse of discretion in connection with the Hensley reduction of the lodestar for limited success." ).

Here, Puricelli's post-trial efforts to increase the plaintiffs' judgment represents time that would not have been spent if the unsuccessful claims in the form of back pay and Pennsylvania Human Relations Act ("PHRA") claims had not been pursued.

Those efforts included the plaintiff's appeal to the Third Circuit, although the Court does award Puricelli for his time spent defending against the defendant City's cross-appeal to the Third Circuit. For time entries that reflected efforts to both bring the appeal and defend against the City's appeal, the Court excises half of the time and grants an award for the other half.

Accordingly, the Court excises the following time entries for work done on those tasks when calculating Puricelli's award.

**Time Spent on Unsuccessful Claims**

Date of Service	Description	Time Claimed	Comments
12/15/06	Start reply to City response [to motion to amend complaint]	3.4	W&M Termination
12/18/06	Edit Reply to City response	1.2	W&M Termination
12/18/06	Conf. w. TMK re: reply	0.5	W&M Termination
12/22/06	Edit convert & File reply to City response re: mo Amend	2.1	W&M Termination
5/16/07	Order n memo in (ECF) re: mo amd-denied copy & distrib to client	0.4	W&M Termination
5/17/07	Legal Research & file review for mo reconsid/ stay	4.4	W&M Termination
5/18/07	Draft mo recon/ omnibus mo	12.6	W&M Termination
5/19/07	Review draft stay mo & reconsid w/TMK	2.3	W&M Termination
5/19/07	Send draft to clients for review comments	0.3	W&M Termination
5/22/07	Client mtg re comments	3.2	W&M Termination
5/22/07	Edit motion	2.3	W&M Termination

5/23/07	Final Edit, convert to pdf & file omnibus mo	0.5	W&M Termination
6/2/07	Tx from BM re: update-omnibus motion	0.1	W&M Termination
6/3/07	Tx from MM & RC re: update on omnibus motion	0.2	W&M Termination
6/11/07	City Response to omnibus motion in ECF, copy & distribute to clients	0.4	W&M Termination
6/12/07	Review response	0.5	W&M Termination
6/12/07	Review response w/TMK	0.3	W&M Termination
6/12/07	Client tel conf meeting re: City response & any reply	0.7	W&M Termination
6/14/07	Draft reply & legal research for reply	2.4	W&M Termination
6/17/07	Edit draft reply	3.2	W&M Termination
6/18/07	Send draft reply to client & TMK	0.2	W&M Termination
6/19/07	Client conference re: edits to reply	1.1	W&M Termination
6/19/07	Review client & TMK changes w/TMK	0.5	W&M Termination
6/20/07	Final read/edit; convert & file	1.3	W&M Termination



11/28/07	Order/Decision in (ECF), copy, send & review	0.6	W&M Termination
12/2/07	Draft second motion for reconsideration	2.3	W&M Termination
12/3/07	Send draft mo to client for review & input	0.2	W&M Termination
12/3/07	Send second motion to TNK [sic] for review	0.1	W&M Termination
12/4/07	Mtg with clinet & TMK re: reviews for second mo reconsideration	0.5	W&M Termination
12/5/07	Edit reconsideration motion	0.7	W&M Termination
12/7/07	Conform mo to PDF & File ECF second mo for reconsideration	0.2	W&M Termination
12/13/07	Legal research re: mandamus n Draft Mandamus petition	6.1	W&M Termination
12/14/07	Draft mandamus petition, send to clients	10.5	W&M Termination
12/15/07	Client input on mandamus received; edit petition	2.3	W&M Termination
12/16/07	Meet w/TMK re: edits for mandamus	0.3	W&M Termination

12/17/07	Marshall exhibits for Pet mandamus	1.6	W&M Termination
12/19/07	Pet mandamus to clients for review	0.3	W&M Termination
12/20/07	Edit, copy & file 3 <sup>rd</sup> Cir. (450.00) for mandamus	2.5	W&M Termination
1/29/08	Mandamus decision in [sic] denied, advise clients	0.3	W&M Termination
5/1/08	Prep tird [sic] mo limine	1.7	W&M Termination
5/1/08	Send 3 <sup>rd</sup> limine to liens [sic] & TMK & AO or [sic] review	0.2	W&M Termination
5/1/08	Meet with TMK & AO re: 3 <sup>rd</sup> Limine mo	0.3	W&M Termination
5/1/08	Edits to 3 <sup>rd</sup> Limine Mo	0.6	W&M Termination
5/4/08	Edit 3 <sup>rd</sup> Limine mo, conform & file	0.6	W&M Termination
5/19/08	Client contact WM re: case status & next hearing, B/F pay amend matter	0.5	W termination
5/19/08	Client Contact MM re: case status & next hearing, \$ issue of B/F pay	0.3	M termination
5/21/08	Legal research mold award to state damage award	1.2	PHRA

5/21/08	Draft motion & MOL for molding award	2.3	PHRA
5/21/08	Cir draft of reply & mo/mol to client for comment, review wiht client	0.6	PHRA
5/22/08	Edit reply & mo/mol with clients & TMK comments	0.7	PHRA
5/22/08	Email WM re: amd mo for sick chk	0.01	W termination
5/22/08	Draft mo to amend add term for WM	4.5	W termination
5/22/08	Conf w/client & TMK for review on mo amd recon	0.3	W termination
5/22/08	Make changes to mo & recon	0.8	W termination
5/22/08	Conform drafts (mos & mols) to PDF & file	0.3	W termination
6/9/08	Recv & Read City response to PHRA Issue	1.3	PHRA
6/9/08	Client conference, by phone separate, go over City response	1.6	PHRA
6/11/08	Legal research, review D law, do own research to support	3.4	PHRA

6/12/08	Draft Reply	9.7	PHRA
6/13/08	Draft Edit	4.3	PHRA
6/15/08	Client review, conference re: draft reply to PRHAC issue	1.2	PHRA
6/16/08	Edit reply w/client & TMK comment, file review with exhibits	3.6	PHRA
6/17/08	Final Edit, review & write to reply PHRA issue, conform & file	2.7	PHRA
10/28/08	Mo for sanction, opp discovery & City mo to dz RC claims	8.8	W&M termination, PHRA
10/29/08	Edit mo reply, send to clerk CP for proofing	3.4	W&M termination, PHRA
10/30/08	Review edits & proof	0.3	W&M termination, PHRA
10/31/08	Final edit & review, conform & file Response	0.5	W&M termination, PHRA
11/17/08	City response to Pltf filings, review	0.5	Entry of judgment, W&M termination, PHRA

11/17/08	Meet with AO re: reply, email reply to clients & discuss with all clients	0.8	W&M termination, PHRA
11/17/08	Assign reply MOL to AO	0.1	W&M termination, PHRA
11/18/08	Review AO reply MOL & send to CP for proofing	0.4	W&M termination, PHRA
11/19/08	Review edits & proofing	0.2	W&M termination, PHRA
11/19/08	Assign AO to edits for mol	0.1	W&M termination, PHRA
11/20/08	Review edits conform & file	0.2	W&M termination, PHRA
2/10/09	Client contact re: Ray Ss dock Bill damages	0.2	W termination
2/19/09	Review 02/25/01 transcript on term issue in WMMC case	0.5	W termination
2/20/09	Legal research re: term amend & prej/delay issues to facts here	2.3	W&M termination
2/23/09	Review prior orders, memos & trans (9/29/01 argument) re: front/back pay all	2.1	W&M termination

6/5/09	Conform supplemental response to City post hearing brief	0.6	W&M termination, PHRA
6/20/09	Notice in, via ECF, from city, review & advise clients	0.2	PHRA
6/21/09	Read notice & decision, legal research on cases	2.4	PHRA
6/21/09	Client contact (all there) re: Notice & decision discussed, plus reply	1.3	PHRA
6/22/09	Review def documents/trial books & attachment to motion	3.4	PHRA
6/22/09	Draft started for reply to notice	4.3	PHRA
6/22/09	Send draft to be reviewed & edited (Beth & Cynthia)	0.1	PHRA
6/22/09	Draft review returned & reviewed	0.3	PHRA
6/23/09	Edit draft & resent for review, proof & edits (to Cynthia & Beth)	2.1	PHRA

6/23/09	Edit/proofing returned & reviewed, Conformed to PDF, scan exhibits, file	0.4	PHRA
6/26/09	ECF in from City, review memo, review case law cited	2.1	PHRA
6/27/09	Draft reply to City memo on exhaustion, EEOC & Discipline matters	6.3	PHRA
6/27/09	Forward draft to client for comments & to CP & BM for edits	0.1	PHRA
6/29/09	Edits & comments back, edit draft with comment from client	0.9	PHRA
6/29/09	Send draft edited to clients for review & to CY & BM for proofing	0.1	PHRA
6/30/09	Received proofing & comments, edit reply to add additional argument	1.6	PHRA
7/1/09	Review Edits from CP, conform to PDF & file w/Ct through ECF	0.5	PHRA

8/2/09	Meet clients re: post trial motions & appeal; draft post trial motions	5.5	Entry of judgment, W&M termination, PHRA
8/2/09	Legal research, re 15B mo & more time for PT MOL	3.2	W&M termination, PHRA
8/3/09	Start 15b Mo	6.8	W&M termination, PHRA
8/4/09	Edit mo 15b	9.7	W&M termination, PHRA
8/4/09	Edit 15b mo & send for proofreading (Cynth & Beth)	2.5	W&M termination, PHRA
8/5/09	Review proofing (Cynthia & Beth) on 15b and modify (edit) & file	3.5	W&M termination, PHRA
8/6/09	Work on post- trial Mo.	4.2	Entry of judgment, W&M termination, PHRA
8/10/09	Final review & Edit, File Post trial mo	2.1	W&M termination, PHRA
8/16/09	Draft memo with CP & BM	10.8	Entry of judgment, W&M termination, PHRA



8/17/09	Edit memo & research law	12.0	Entry of judgment, W&M termination, PHRA
8/19/09	Review Ct transcripts, edit MOL, send draft to clients	9.4	Entry of judgment, W&M termination, PHRA
8/20/09	Clerks office to see file re: minutes & ev Ct wants about PAHRA	3.5	Entry of judgment, W&M termination, PHRA
8/20/09	Confer with clients & staff re: MOL, 1997 PAHRA Amd case	2.5	Entry of judgment, W&M termination, PHRA
8/21/09	BM to Clerk ofc review file - receive status report	0.5	W&M termination, PHRA
8/21/09	Praecipe, re: Pending amd mo - no opp by city	0.6	W&M termination, PHRA
8/21/09	Review client suggs, edit, ret to clients for proof by CP & BM	8.7	Entry of judgment, W&M termination, PHRA
8/22/09	Review file, docket & court transcripts, edit memo	12.9	Entry of judgment, W&M termination, PHRA

8/23/09	Client conf re: MOL to be filed 8/24	0.7	Entry of judgment, W&M termination, PHRA
8/24/09	Edit Prof back, review edit on Memo, conform to PDF & file	6.1	Entry of judgment, W&M termination, PHRA
8/24/09	City opp to Amd (city) & City posttrial MOL in ECF - send to clients	0.4	Entry of judgment, W&M termination, PHRA
8/25/09	Prepare & file NOA & Amended Notice of Appeal	0.8	Entry of judgment, W&M termination, PHRA
8/25/09	ECF in from Clerk, Re: Notice of Appeal	0.1	Entry of judgment, W&M termination, PHRA
9/23/09	Opening papers, 3c. prepare issues & opening papers	1.6	Entry of judgment, W&M termination, PHRA
9/28/09	ECF Mess in from clerk, re: Appeal docket, review	0.1	Entry of judgment, W&M termination, PHRA

10/7/09	Prepare Transcript Order form	0.2	Entry of judgment, W&M termination, PHRA
12/09	Stay Appeal Order review & inform client	0.1	Entry of judgment, W&M termination, PHRA
1/28/10	ECF in re: Stay appeal order from 3c	0.1	Entry of judgment, W&M termination, PHRA
1/28/10	Advise client of stay order	0.3	Entry of judgment, W&M termination, PHRA
7/23/10	2 <sup>nd</sup> Amended Notice of Appeal prepared & filed	0.3	Entry of judgment, W&M termination, PHRA
8/30/09 (Appeal)	Briefing schedule in, review & inform clients	0.3	Entry of judgment, W&M termination, PHRA
9/19/09 (Appeal)	Read DC Decision on PT motions; read City's PT Motion	6.9	Entry of judgment, W&M termination, PHRA

9/20/09 (Appeal)	Electronic Legal Research of law, current status, review Court's law	4.2	Entry of judgment, W&M termination, PHRA
9/21/09 (Appeal)	Conform Form of Brief - per ct rule - create brief outline	3.6	Entry of judgment, W&M termination, PHRA
9/21/09 (Appeal)	Draft Brief	12.6	Entry of judgment, W&M termination, PHRA
9/26/09 (Appeal)	Redline back from Beth, review	2.1	Entry of judgment, W&M termination, PHRA
10/1/09 (Appeal)	Edit Draft/Brief	7.8	Entry of judgment, W&M termination, PHRA
10/7/09 (Appeal)	Opening papers, prepared, Marshall orders, Decl. done & papers filed	1.2	Entry of judgment, W&M termination, PHRA
10/15/09 (Appeal)	Marshall Joint Appendix documents	4.8	Entry of judgment, W&M termination, PHRA

10/16/09 (Appeal)	Continue Marshall documents	3.5	Entry of judgment, W&M termination, PHRA
10/19/09 (Appeal)	Organize Joint Appendix for numbering	5.9	Entry of judgment, W&M termination, PHRA
10/20/09 (Appeal)	Prepare cover & index for joint appendix, conform master JA	2.6	Entry of judgment, W&M termination, PHRA
10/22/09 (Appeal)	Joint Appendix to printer	0.8	Entry of judgment, W&M termination, PHRA
10/27/09 (Appeal)	Edit draft	5.6	Entry of judgment, W&M termination, PHRA
11/1/09 (Appeal)	Brief work, draft	12.6	Entry of judgment, W&M termination, PHRA
11/3/09 (Appeal)	Brief work draft	9.0	Entry of judgment, W&M termination, PHRA

11/4/09 (Appeal)	Brief work draft	10.4	Entry of judgment, W&M termination, PHRA
11/7/09 (Appeal)	Edit draft	3.4	Entry of judgment, W&M termination, PHRA
11/8/09 (Appeal)	Edit Brief & send to Alice	6.7	Entry of judgment, W&M termination, PHRA
11/10/09 (Appeal)	Return from Alice, review Edits & add	2.3	Entry of judgment, W&M termination, PHRA
11/10/09 (Appeal)	Brief to proofer	0.1	Entry of judgment, W&M termination, PHRA
11/11/09 (Appeal)	Review proofs/edit	1.7	Entry of judgment, W&M termination, PHRA
11/11/09 (Appeal)	Check current law, print sign	2.0	Entry of judgment, W&M termination, PHRA

11/11/09 (Appeal)	Brief to printer/binder	0.9	Entry of judgment, W&M termination, PHRA
11/12/09 (Appeal)	Review brief back, prepare electronic brief	2.1	Entry of judgment, W&M termination, PHRA
11/12/09 (Appeal)	Scan JA	4.2	Entry of judgment, W&M termination, PHRA
11/12/09 (Appeal)	Electronic filings brief & appendix, service to brief on Ct. & City	0.9	Entry of judgment, W&M termination, PHRA
1/6/10 (Appeal)	Printer binding cost reprint Vol 5- deliver by hand	2.7	Entry of judgment, W&M termination, PHRA
2/1/11 (Appeal)	Outline for issues & Reply Brief (step 3 brief)	1.7	Entry of judgment, W&M termination, PHRA
2/1/11 (Appeal)	Draft step three brief	4.1 x .5 = 2.05	Entry of judgment, W&M termination, PHRA

2/2/11 (Appeal)	Draft step three brief	3.2 x .5 = 1.6	Entry of judgment, W&M termination, PHRA
2/3/11 (Appeal)	Draft work on step three brief	2.7 x .5 = 1.35	Entry of judgment, W&M termination, PHRA
2/7/11 (Appeal)	Edit draft step three	8.4 x .5 = 4.2	Entry of judgment, W&M termination, PHRA
2/7/11 (Appeal)	Sent step three brief for proofing	0.2 x .5 = 0.1	Entry of judgment, W&M termination, PHRA
2/10/11	Proof back, review	0.4 x .5 = 0.2	Entry of judgment, W&M termination, PHRA
2/10/11 (Appeal)	Edit, check law, printsign, send to printers	1.4 x .5 = 0.7	Entry of judgment, W&M termination, PHRA
2/12/11 (Appeal)	Conform step three, PDF, file step 3 brief	0.7 x .5 = 0.35	Entry of judgment, W&M termination, PHRA



7/9/11 (Appeal)	Prep for argument	4.6 x .5 = 2.8	Entry of judgment, W&M termination, PHRA
7/10/11 (Appeal)	Prep for argument	2.3 x .5 = 1.15	Entry of judgment, W&M termination, PHRA
7/11/11 (Appeal)	Argument portal to portal cost - Train \$11.50	6.3 x .5 = 3.15	Entry of judgment, W&M termination, PHRA
8/17/11 (Appeal)	Decision	0.6 x .5 = 0.3	Entry of judgment, W&M termination, PHRA
8/17/11 (Appeal)	Client call on decision	0.4 x .5 = 0.2	Entry of judgment, W&M termination, PHRA
8/17/11 (Appeal)	Send form of rehearing to client	0.2	Entry of judgment, W&M termination, PHRA
9/7/11 (Appeal)	Edit Rehearing Petition, conform add law & file	1.4	Entry of judgment, W&M termination, PHRA

9/14/11 (Appeal)	Decision in on rehearing, inform clients	0.2	Entry of judgment, W&M termination, PHRA
9/21/11 (Appeal)	Mandate/Judgment in	0.1	Entry of judgment, W&M termination, PHRA
Total Time Excised as Unsuccessful		414.26	

## 2. Adjustments for unnecessary or excessive work

The Supreme Court has instructed that it is proper to exclude from the lodestar calculation all hours that were not "reasonably expended." Hensley, 461 U.S. at 434, quoting S. Rep. No. 94-1011, p. 6 (1976). These include hours that are "excessive, redundant, or otherwise unnecessary." Hensley, 461 U.S. at 434. See also, McKenna v. City of Philadelphia, 582 F.3d 447, 455 (3d Cir. 2009) ("Hensley instructs that courts are to exclude from the determination of the lodestar any hours not reasonably expended. Hours subject to exclusion under Hensley include those deemed excessive, redundant, or otherwise unnecessary." (internal citations and quotations omitted)).

Here, the Court finds that several of Puricelli's

time entries reflect hours that are excessive or redundant. The plaintiff filed numerous motions for reconsideration that essentially tried to re-litigate settled issues, such as the judgments limiting the jury award. As noted in the Appendix, such time entries are excised on both the grounds that they were excessive and because they were unsuccessful.

The plaintiffs also brought a series of frivolous motions during the case. Examples of such motions include ones that alleged misconduct by the City without any basis and others that quoted a seemingly random IRS employees to make a misguided point about the City's pursuit of tax information for Mr. Carnation. The City already spent time responding to these unnecessary motions and should not now be responsible for compensating Puricelli for the hours he spent working on them. Accordingly, the Court excises those time entries as excessive and redundant.

Finally, the Court recognizes that the pro se plaintiffs dispute a handful of Puricelli's entries where he billed time for things like client meetings the plaintiffs contend did not occur. Although the Court appreciates the pro se plaintiffs' views, the Court accepts Puricelli's entries as reflecting time he actually worked

unless there is a discrepancy with court records. Entries with such discrepancies, which include entries dated before the case was remanded to this Court and time entries related to a court conference that was not scheduled, will be excised by the Court as excessive.

The following table lists the entries the Court excises as for being excessive. The entries listed in italics are also excluded on the basis that the work related to claims that were unsuccessful.

**Time Excised as Excessive**

Date of Service	Description	Time Claimed	Comments
8/11/06	Client WM conferences	4.8	Pre-remand, not atty
8/11/06	Meet w/Ted Kravitz (partner) re case in	1.6	Pre-remand, not atty
8/12/06	Review Doc	12.9	Pre-remand, not atty
8/13/06	Review Doc	10.7	Pre-remand, not atty
8/14/06	Review Doc	10.1	Pre-remand, not atty
8/15/06	Review Doc	8.3	Pre-remand, not atty
8/16/06	Review Doc	4.1	Pre-remand, not atty

8/18/06	Meet w/TMK re review of doc	2.5	Pre-remand, not atty
8/19/06	Meet w/Michael McKenna	5.3	Pre-remand, not atty
8/19/06	Meet TMK re: 2d client, pos conflict a trial issues	3.7	Pre-remand, not atty
8/19/06	Review Doc	14.8	Pre-remand, not atty
8/20/06	Review Doc	9.7	Pre-remand, not atty
8/24/06	Review Doc	8.2	Pre-remand, not atty
8/25/06	Review Doc	11.4	Pre-remand, not atty
8/26/06	Meet w/Ray Carnation	4.9	Pre-remand, not atty
8/27/06	Review Doc	5.8	Pre-remand, not atty
8/28/06	Review Doc	6.6	Pre-remand, not atty
8/29/06	Review 3 <sup>rd</sup> Cir decision memorandum	1.2	Pre-remand, not atty
9/11/06	Prep subpoena paperwork	0.3	Different lawsuit
12/2/07	<i>Draft 2<sup>nd</sup> Motion for reconsiderat ion</i>	2.3	<i>Multiple reconsid. requests</i>

12/3/07	Send draft mo to client for review & input	0.2	Multiple reconsid. requests
12/3/07	Send 2 <sup>nd</sup> motion to TMK for review	0.1	Multiple reconsid. requests
12/4/07	Mtg w/client & TMK re: reviews for 2 <sup>nd</sup> mo reconsideration	0.5	Multiple reconsid. requests
12/5/07	Edit reconsideration motion	0.7	Multiple reconsid. requests
12/7/07	Conform mo to PDF & File ECF 2 <sup>nd</sup> mo for reconsideration	0.2	Multiple reconsid. requests
12/12/07	Order in re: 2 <sup>nd</sup> mo reconsideration, review & send to clients & TMK	0.3	Multiple reconsid. requests
12/13/07	Post mtg w/clients in office re: conf call & mandamus	1.4	Excessive/unnecessary

12/13/07	Legal research re: mandamus & draft Mandamus petition	6.1	Excessive/unnecessary
12/14/07	Draft mandamus petition, send to clients	10.5	Excessive/unnecessary
12/15/07	Client input on mandamus received, edit petition	2.3	Excessive/unnecessary
12/16/07	Meet w/TMK re: edits for mandamus	0.3	Excessive/unnecessary
12/17/07	Marshall exhibits for Pet mandamus	1.6	Excessive/unnecessary
12/19/07	Pet mandamus to clients for review	0.3	Excessive/unnecessary
12/20/07	Edit, copy & file 3 <sup>rd</sup> Cir. for mandamus	2.5	Excessive/unnecessary
1/29/08	Mandamus decision denied; advise clients	0.3	Excessive/unnecessary
2/23/08	Prepare for final pretr. conf.	1.9	Docket shows no conf.

2/24/08	Final pretrial conf.	5.3	Docket shows no conf.
5/1/08	<i>Prep tird [sic] mo limine</i>	1.7	<i>Multiple reconsid. requests</i>
5/1/08	<i>Send 3<sup>rd</sup> limine to clients &amp; TMK &amp; AO for review</i>	0.2	<i>Multiple reconsid. requests</i>
5/1/08	<i>Meet w/TMK &amp; AO re: 3<sup>rd</sup> limine motion</i>	0.3	<i>Multiple reconsid. requests</i>
5/1/08	<i>Edits to 3<sup>rd</sup> Limine Mo</i>	0.6	<i>Multiple reconsid. requests</i>
5/4/08	<i>Edits to 3<sup>rd</sup> Limine Mo</i>	0.6	<i>Multiple reconsid. requests</i>
5/22/08	<i>Email WM re: amd mo for sick chk</i>	0.01	<i>Multiple reconsid. requests</i>
5/22/08	<i>Draft mo to amend add term for WM</i>	4.5	<i>Multiple reconsid. requests</i>
5/22/08	<i>Conf w/client &amp; TMK for review on mo and recon</i>	0.3	<i>Multiple reconsid. requests</i>
5/22/08	<i>Make changes to mo amd recon</i>	0.8	<i>Multiple reconsid. requests</i>



5/22/08	Conform drafts (mos & mols) to PDF & file	0.3	Multiple reconsid. requests
7/10/08	Draft Motion, Declarations	6.9	Unnecessary, frivolous (IRS discovery issues)
7/10/08	Tx from RC&WM & email from CP re IRS visit	0.4	Unnecessary, frivolous (IRS discovery issues)
7/11/08	Meet w/RC re: IRS visit & Dec	1.2	Unnecessary, frivolous (IRS discovery issues)
7/12/08	Edit Motion & Draft MOL	6.9	Unnecessary, frivolous (IRS discovery issues)
7/13/08	Review edit by clients, TMK & CP edit MOL, MO	0.4	Unnecessary, frivolous (IRS discovery issues)
7/13/08	Conduct legal research & edit MO	4.4	Unnecessary, frivolous (IRS discovery issues)
7/14/08	Final review & edit of MO, MOL & conform Exhibits	2.8	Unnecessary, frivolous (IRS discovery issues)

7/14/08	File MO, MOL & exhs, ECF Receipt to file	0.2	Unnecessary, frivolous (IRS discovery issues)
7/14/08	Dec from WM McK	0.3	Unnecessary, frivolous (IRS discovery issues)
7/31/08	Mo for sanction from City, review	0.7	Unnecessary, frivolous (IRS discovery issues)
7/31/08	Call each client advised each of sanction discuss w/each	0.8	Unnecessary, frivolous (IRS discovery issues)
7/31/08	Check law, legal research, & draft Reply to Response	0.7	Unnecessary, frivolous (IRS discovery issues)
8/13/08	Legal Research (assign AO)	0.2	Unnecessary, frivolous (IRS discovery issues)
8/13/08	Legal research by AO	3.5	Unnecessary, frivolous (IRS discovery issues)

8/14/08	Conf AO re legal research result & assign draft reply	0.2	Unnecessary, frivolous (IRS discovery issues)
8/15/08	Review draft, forward to clerk for proofing	1.3	Unnecessary, frivolous (IRS discovery issues)
8/16/08	Review edits by clerk CP	0.5	Unnecessary, frivolous (IRS discovery issues)
8/16/08	AO final write	2.3	Unnecessary, frivolous (IRS discovery issues)
8/16/08	Meet w/AO, assign final write for reply	0.2	Unnecessary, frivolous (IRS discovery issues)
8/17/08	Review final write, conform & file	1.1	Unnecessary, frivolous (IRS discovery issues)
8/22/08	ECF in from City re: response to Reply, review	0.7	Unnecessary, frivolous (IRS discovery issues)

8/22/08	Meet w/AO re: reply by City, call clients & email copies	0.4	Unnecessary, frivolous (IRS discovery issues)
10/27/08	Prep & send request conference made to ct	0.3	Unnecessary, frivolous (IRS discovery issues)
10/28/08	<i>Mo for sanction, opp discovery &amp; City mo to dz RC claim</i>	8.8	<i>Multiple reconsid. requests</i>
10/29/08	<i>Edit mo reply, send to clerk CP for proofing</i>	3.4	<i>Multiple reconsid. requests</i>
10/30/08	<i>Review edits &amp; proof</i>	0.3	<i>Multiple reconsid. requests</i>
10/31/08	<i>Final edit &amp; review, conform &amp; file Response</i>	0.5	<i>Multiple reconsid. requests</i>
11/7/08	City reply brief to Pltf mo discovery & sanction, reviewed	0.3	Unnecessary, frivolous (IRS discovery issues)

11/7/08	Email reply city reply to clients	0.1	Unnecessary, frivolous (IRS discovery issues)
11/8/08	Discuss city reply w/all clients	1.3	Unnecessary, frivolous (IRS discovery issues)
11/8/08	Discuss City reply w/AO re: check law	0.2	Unnecessary, frivolous (IRS discovery issues)
11/8/08	AO legal research	1.2	Unnecessary, frivolous (IRS discovery issues)
11/9/08	Meet w/AO re: research result	0.3	Unnecessary, frivolous (IRS discovery issues)
11/9/08	Assign memo re sanction discovery, etc.	0.2	Unnecessary, frivolous (IRS discovery issues)
11/11/08	Memo to CP for proofing re discovery issue	0.1	Unnecessary, frivolous (IRS discovery issues)

11/12/08	Review edits & proofing, conform & file	0.7	Unnecessary, frivolous (IRS discovery issues)
11/17/08	<i>City response to Pltf filings, review</i>	0.5	<i>Unnecessary, frivolous (IRS discovery issues)</i>
11/17/08	<i>Meet w/AO re reply, email reply to clients &amp; discuss w/all clients</i>	0.8	<i>Unnecessary, frivolous (IRS discovery issues)</i>
11/17/08	<i>Assign reply MOL to AO</i>	0.1	<i>Unnecessary, frivolous (IRS discovery issues)</i>
11/18/08	<i>Review AO reply MOL &amp; send to CP for proofing</i>	0.4	<i>Unnecessary, frivolous (IRS discovery issues)</i>
11/19/08	<i>Review edits &amp; proofing</i>	0.2	<i>Unnecessary, frivolous (IRS discovery issues)</i>

11/19/08	Assign AO to edits for mol	0.1	Unnecessary, frivolous (IRS discovery issues)
11/20/08	Review edits, conform & file	0.2	Unnecessary, frivolous (IRS discovery issues)
2/19/09	Review 2/25/01 transcript on term issue in WMMC	0.5	Multiple reconsid. requests
2/20/09	Legal research re: term amend & prej/delay issues to facts here	2.3	Multiple reconsid. requests
7/30/09	Drfat sur reply, send to proof reader	6.8	Unnecessary, frivolous (unauthorized surreply)
7/31/09	Work on sur reply	3.6	Unnecessary, frivolous (unauthorized surreply)
7/31/09	Complete work of surreply, reconsider & reuse [sic] motion	3.5	Unnecessary, frivolous (unauthorized surreply)

8/2/09	<i>Leg res re 15B Mot &amp; More Time for PT MOL</i>	3.2	<i>Multiple reconsid. requests</i>
8/3/09	<i>Start 15B motion</i>	6.8	<i>Multiple reconsid. requests</i>
8/4/09	<i>Edit Mo 15B</i>	9.7	<i>Multiple reconsid. requests</i>
8/4/09	<i>Edit 15b mo &amp; send for proofing (Cynth &amp; Beth)</i>	2.5	<i>Multiple reconsid. requests</i>
8/5/09	<i>Review proofing (Cynthia &amp; Beth) on 15b &amp; modify (edit) &amp; file</i>	3.5	<i>Multiple reconsid. requests</i>
9/18/09	<i>Prepare draft response to City reply</i>	2.6	<i>Unnecessary, frivolous (motion to strike reply brief)</i>
9/18/09	<i>Draft to proofer</i>	0.1	<i>Unnecessary, frivolous (motion to strike reply brief)</i>
9/23/09	<i>Draft back, review</i>	0.2	<i>Unnecessary, frivolous (motion to strike reply brief)</i>



9/24/09	Final edit & review of Response to City Reply, conform to PDF & file	0.6	Unnecessary, frivolous (motion to strike reply brief)
4/15/10	ECF in: Clk notice, arg 6-2	0.2	Unknown reference
5/13/10	ECF in Clerk notice - argument 6/2	0.1	Unknown reference
5/13/10	ECF notice in from City EE, unavailable, advise clients	0.4	Unknown reference
5/14/10	Ltr to ct, objection to moving argument	1.1	Unknown reference
12/6/10 (Appeal)	Printer binding cost reprint Vol 5, deliver by hand	2.7	Result of BP error
10/13/11	ECF in pro se pet for hearing	0.3	Attorney and client internal dispute
10/13/11	Prepare supple status report	0.3	Attorney and client internal dispute

10/14/11	Review Supp Status report, conform & file	0.2	Attorney and client internal dispute
10/14/11	ECF in City Suppl Status report, read	0.1	Attorney and client internal dispute
10/19/11	ECF in pro se suppl status	0.1	Attorney and client internal dispute
10/19/11	Prepare, edit, conform & file reply to city status report	0.5	Attorney and client internal dispute
10/25/11	Order in, read re: pro se have ECF access/use	0.1	Attorney and client internal dispute
Total Time Considered Excessive		281.11	
Total Incremental Time Excised		200.1	

### 3. Appropriate hourly rate

In his Supplemental Fee Petition, Puricelli wrote that his billing rate is \$450 an hour for all work, but calculated his fee request using different rates for trial

and non-trial time in his accompanying spreadsheet. The City in its response argued that Puricelli's fee should be calculated using three different rates depending on the type of work performed and that time spent on clerical work should not be compensated at all.

Third Circuit case law supports the application of different rates for the same attorney to account for the completion of different types of tasks. See Lindy Bros. Builders, Inc. v. American Radiator & Standard Sanitary Corp., 487 F.2d 161, 167 (3d Cir.1973) ("[T]he court may find that the reasonable rate of compensation [for an attorney] differs for different activities."); In re Fine Paper Antitrust Litig., 751 F.2d 562, 591-93 (3d Cir.1984) (awarding associates' rates for tasks performed by partners but which were typically performed by associates or paralegals); Ursic v. Bethlehem Mines, 719 F.2d 670, 677 (3d Cir.1983) ("Michelangelo should not charge Sistine Chapel rates for painting a farmer's barn.").

Here, the Court applies a rate of \$450 per hour for Puricelli's trial time and \$350 per hour for non-trial time. Puricelli's rate of \$450 per hour was supported in a declaration by Alice Ballard, who noted that she practices in the field, had reviewed the relevant documents in the

case, and concluded that \$450 per hour was appropriate and consistent with the market rate.<sup>8</sup>

These rates are also largely in line with what other courts have awarded to Puricelli. See Bucceroni v. City of Philadelphia, 2006 U.S. Dist. LEXIS 85559 at \*13-15 (E.D. Pa. Nov. 27, 2006), (Judge Sanchez awarded Mr. Puricelli \$400 per hour solely for trial-related time, \$300 per hour for all but work which the Court deemed should have been performed by a paralegal or junior associate, and \$100 per hour for such work); McKenna v. City of Philadelphia, 2008 WL 4435939 at \*10 (E.D. Pa. Sept. 30, 2008) aff'd, 582 F.3d 447 (3d Cir. 2009) ("I conclude that the following hourly rates, alternatively requested by counsel, are appropriate: for Mr. Puricelli, \$400 an hour for work in court and \$300 an hour for trial-preparation work . . . Those rates are suitable for Mr. Puricelli's trial work and his work as a lawyer, but \$150 per hour, as awarded by Judge Hart, is the proper rate for his clerical work, waiting time, and for Mr. Kravitz's clerical work.").

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<sup>8</sup>The Court was not persuaded by the City's argument that the Ballard declaration was not properly signed and therefore considered the substance of the declaration in determining Puricelli's appropriate hourly rate.

4. Computation of Award

After excising the time entries for claims that were unsuccessful and work that was excessive from Puricelli's fee petition, the Court finds that Puricelli reported 83.45 hours of allowable trial time and 954.2 hours of allowable non-trial time.

Applying the hourly rates of \$450/hour for trial work and \$350/hour for non-trial work to these totals yields a total award of \$371,522.50.

The Appendix that accompanies this memorandum shows the Court's conclusion on each of Puricelli's time entries and provides greater detail on the calculation of the award.

Puricelli requested a three times multiplier because he represented three plaintiffs, but cited no statute or case law to support that request. The Court finds no basis to award Puricelli treble fees for representing three plaintiffs.

Puricelli's request for treble fees could be interpreted as an enhancement above the lodestar calculation for the quality of his representation. Such quality enhancements are only to be awarded in "rare" and

"exceptional" circumstances. Perdue v. Kenny A. ex rel. Winn, 130 S. Ct. 1662, 1667 (2010).

Indeed, the Supreme Court has instructed that there is a "strong presumption" that the lodestar figure is sufficient. City of Burlington v. Dague, 505 U.S. 557, 562 (1992).

Here, the Court finds that were no circumstances present to justify a quality or performance enhancement for Puricelli or any of the other plaintiff attorneys.

Likewise, the Court declines to award any delay damages because the Supreme Court has stressed that an attorney seeking compensation through fee-shifting "presumably understands that payment of fees will generally not come until the end of the case" and that delays are considered in setting the attorney's hourly rate. Perdue at 1675.

#### IV. Conclusion

The Court denies the fee requests of Beth McKenna and Cynthia Palamone-McKenna and awards Theodore Kravitz \$15,900, Annette Oakley \$24,050, and Brian Puricelli \$371,522.50 in attorney's fees.

Because of the rift between the attorneys and the pro se plaintiffs as well as disputes among the three attorneys, and because the Court ordered the judgment to be paid to the plaintiffs directly, the Court will direct the City to pay the above amounts to each of the attorneys directly.

An appropriate order follows.

**Appendix**

<b>Date</b>	<b>Appeal</b>	<b>Description</b>	<b>Time (Hours)</b>	<b>Type</b>	<b>Delete as Unsuccessful? Y/N</b>	<b>Delete as Unnecessary? Y/N</b>	<b>Allowable Hours</b>	<b>Hourly Rate for Type</b>	<b>Allowable Fee</b>
8/11/2006		Client WM conferences	4.80	NT	N	Y	0	\$350	\$0.00
8/11/2006		Meet w/ Ted Kravitz(TMK) re: case	1.60	NT	N	Y	0	\$350	\$0.00
8/12/2003		Review doc	12.90	NT	N	Y	0	\$350	\$0.00
8/13/2006		Review doc	10.70	NT	N	Y	0	\$350	\$0.00
8/14/2006		Review doc	10.10	NT	N	Y	0	\$350	\$0.00
8/15/2006		Review doc	8.30	NT	N	Y	0	\$350	\$0.00
8/16/2006		Review doc	4.10	NT	N	Y	0	\$350	\$0.00
8/18/2006		Meet w/TMK review doc	2.50	NT	N	Y	0	\$350	\$0.00
8/19/2006		Meet w/ Mike McKenna	5.30	NT	N	Y	0	\$350	\$0.00
8/19/2006		Meet w/TMK pre-2 <sup>nd</sup> client, poss. trial conflict issues	3.70	NT	N	Y	0	\$350	\$0.00
8/19/2006		Review doc	14.80	NT	N	Y	0	\$350	\$0.00
8/20/2006		Review doc	9.70	NT	N	Y	0	\$350	\$0.00
8/24/2006		Review doc	8.20	NT	N	Y	0	\$350	\$0.00
8/25/2006		Review doc	11.40	NT	N	Y	0	\$350	\$0.00
8/26/2006		Meet w/Ray Carnation	4.90	NT	N	Y	0	\$350	\$0.00
8/27/2006		Review doc	5.80	NT	N	Y	0	\$350	\$0.00
8/28/2006		Review doc	6.60	NT	N	Y	0	\$350	\$0.00
8/29/2006		Review 3 <sup>rd</sup> Cir. decision memorandum	1.20	NT	N	Y	0	\$350	\$0.00
9/2/2006		Meet w/ TMK re: case needs, costs, strategy	2.30	NT	N	N	2.3	\$350	\$805.00
9/3/2006		Prep & enter app w/trial ct.	0.20	NT	N	N	0.2	\$350	\$70.00



**Appendix**

<b>Date</b>	<b>Appeal</b>	<b>Description</b>	<b>Time (Hours)</b>	<b>Type</b>	<b>Delete as Unsuccessful? Y/N</b>	<b>Delete as Unnecessary? Y/N</b>	<b>Allowable Hours</b>	<b>Hourly Rate for Type</b>	<b>Allowable Fee</b>
9/3/2006		Speak w/WM re: case direction apr filed	0.30	NT	N	N	0.3	\$350	\$105.00
9/3/2006		Speak w/Andy Erba re: prior rep of C Palamore & witnesses	0.30	NT	N	N	0.3	\$350	\$105.00
9/8/2006		Meet w/ WM & RC re: records & evdc needed	3.50	NT	N	N	3.5	\$350	\$1,225.00
9/8/2006		Speak w/MM re: records & evdc needed	1.20	NT	N	N	1.2	\$350	\$420.00
9/9/2006		Client conf: rec review, case strategy, video tapes	14.30	NT	N	N	14.30	\$350	\$5,005.00
9/11/2006		Investigation-speak w/witness M. Thompson	1.20	NT	N	N	1.2	\$350	\$420.00
9/11/2006		Investigation-potential witness John Devore	0.70	NT	N	N	0.7	\$350	\$245.00
9/11/2006		Conf w/MM re:medical evdc needed, prior agency matters	3.50	NT	N	N	3.5	\$350	\$1,225.00
9/11/2006		Prep subp for work records	0.30	NT	N	Y	0	\$350	\$0.00
9/12/2006		Records Marshall & review MM agency recs	10.40	NT	N	N	10.4	\$350	\$3,640.00
9/13/2006		Contact & ltr atty Borjeson Re:RC wc rec	0.30	NT	N	N	0.3	\$350	\$105.00
9/13/2006		Contact A.Erba re: recs, exhibits, meetings for doc review (trial prep)	0.30	NT	N	N	0.3	\$350	\$105.00

**Appendix**

<b>Date</b>	<b>Appeal</b>	<b>Description</b>	<b>Time (Hours)</b>	<b>Type</b>	<b>Delete as Unsuccessful? Y/N</b>	<b>Delete as Unnecessary? Y/N</b>	<b>Allowable Hours</b>	<b>Hourly Rate for Type</b>	<b>Allowable Fee</b>
9/13/2006		Appearances for RC & MM prepared, filed	0.30	NT	N	N	0.3	\$350	\$105.00
9/14/2006		Doc review, case file prep	12.30	NT	N	N	12.3	\$350	\$4,305.00
9/15/2006		Doc review, case file prep	10.00	NT	N	N	10	\$350	\$3,500.00
9/16/2006		Doc review, case file prep	4.00	NT	N	N	4	\$350	\$1,400.00
9/17/2006		Doc review, case file prep	9.40	NT	N	N	9.4	\$350	\$3,290.00
9/18/2006		Communication A.Erba-review, cont review of depositions	4.30	NT	N	N	4.3	\$350	\$1,505.00
9/16/2006		Cont review of deps	4.00	NT	N	N	4	\$350	\$1,400.00
9/20/2006		Meet w/Erba to discuss Case	4.30	NT	N	N	4.3	\$350	\$1,505.00
9/20/2006		Cont review of deps	6.70	NT	N	N	6.7	\$350	\$2,345.00
9/23/2006		Cont review of trial transcripts and deps	5.90	NT	N	N	5.9	\$350	\$2,065.00
9/24/2006		Cont review deps & agency transcript	7.80	NT	N	N	7.8	\$350	\$2,730.00
9/28/2006		Order in, re: tel conf on 10/20	0.20	NT	N	N	0.2	\$350	\$70.00
9/28/2006		Tel call all clients re: tel Conf	0.40	NT	N	N	0.4	\$350	\$140.00
9/29/2006		Review all docket entries both cases 89 & 99	1.90	NT	N	N	1.9	\$350	\$665.00
10/18/2006		Withdrawals in (ECF) Review	0.20	NT	N	N	0.2	\$350	\$70.00
10/20/2006		Client meeting	1.20	NT	N	N	1.2	\$350	\$420.00

**Appendix**

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10/20/2006		Tel conf (ct. clerk) re:issues & brf schl	0.30	NT	N	N	0.3	\$350	\$105.00
10/20/2006		Meet w/client re:conf call	5.00	NT	N	N	5	\$350	\$1,750.00
10/21/2006		Review complaint 3 <sup>rd</sup> Cir opinion & appeal papers for trial issues	5.70	NT	N	N	5.7	\$350	\$1,995.00
10/22/2006		Client conf re: trial issues	3.50	NT	N	N	3.5	\$350	\$1,225.00
10/24/2006		Order in 2 <sup>nd</sup> tel conf (ECF) for 12-13	0.20	NT	N	N	0.2	\$350	\$70.00
10/25/2006		Appre in ECF GV	0.10	NT	N	N	0.1	\$350	\$35.00
10/25/2006		Tx to Ct clerk re: order Error	0.20	NT	N	N	0.2	\$350	\$70.00
10/25/2006		Order in(amend ord) EFC	0.10	NT	N	N	0.1	\$350	\$35.00
10/31/2006		EFC-withdrawal-review	0.10	NT	N	N	0.1	\$350	\$35.00
11/5/2006		Client contacts, conf re: trial issues	3.20	NT	N	N	3.2	\$350	\$1,120.00
11/13/2006		City brf in EFC-copy & Distribute	0.30	NT	N	N	0.3	\$350	\$105.00
11/13/2006		Tel Erba re: City brf	0.30	NT	N	N	0.3	\$350	\$105.00
11/13/2006		Review brf, legal research	0.80	NT	N	N	0.8	\$350	\$280.00
11/14/2006		Review 3rd Cir opinion & Complaints	1.80	NT	N	N	1.8	\$350	\$630.00
11/15/2006		Start draft reply	10.50	NT	N	N	10.5	\$350	\$3,675.00
11/16/2006		Edit reply & draft mo recon to amend	4.40	NT	N	N	4.4	\$350	\$1,540.00
11/17/2006		Cont w/reply & mo w/amd Complaint	5.10	NT	N	N	5.1	\$350	\$1,785.00

**Appendix**

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11/17/2006		Review brf, mo & complaint w/clients	3.70	NT	N	N	3.7	\$350	\$1,295.00
11/18/2006		Edit draft w/client input	4.70	NT	N	N	4.7	\$350	\$1,645.00
11/28/2006		Review brf, mo & complaint w/TMK	3.30	NT	N	N	3.3	\$350	\$1,155.00
11/29/2006		Edit brf, mo & complaint	1.90	NT	N	N	1.9	\$350	\$665.00
11/30/2006		Review proposed brf, mo & complaint w/clients	1.00	NT	N	N	1	\$350	\$350.00
12/1/2006		Final edit reply, convert to PDF & file	0.50	NT	N	N	0.5	\$350	\$175.00
12/13/2006		ECF in- City reply to mo, copy & sent to client & TMK	0.40	NT	N	N	0.4	\$350	\$140.00
12/13/2006		Reiew reply w/TMK	0.60	NT	N	N	0.6	\$350	\$210.00
12/14/2006		ECF in-appr of M. Foley	0.10	NT	N	N	0.1	\$350	\$35.00
12/14/2006		ECF in-appr of Dexter Hamilton	0.10	NT	N	N	0.1	\$350	\$35.00
12/14/2006		Client conf re:response by City & appr for City	0.70	NT	N	N	0.7	\$350	\$245.00
12/15/2006		Start reply to City response	3.40	NT	Y	N	0	\$350	\$0.00
12/18/2006		Edit reply	1.20	NT	Y	N	0	\$350	\$0.00
12/18/2006		Conf w/TMK re: reply	0.50	NT	Y	N	0	\$350	\$0.00
12/22/2006		Order in-re: rep parties	0.20	NT	N	N	0.2	\$350	\$70.00
12/22/2006		Call clients advise of order	0.60	NT	N	N	0.6	\$350	\$210.00

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12/22/2006		Edit, convert & file reply to City response re: mo amend	2.10	NT	Y	N	0	\$350	\$0.00
12/28/2006		Client contact re: pending court motions & matters	0.50	NT	N	N	0.5	\$350	\$175.00
1/9/2007		Client contact MM re: update of case	0.10	NT	N	N	0.1	\$350	\$35.00
1/11/2007		Client contact BM re: update of case	0.10	NT	N	N	0.1	\$350	\$35.00
1/19/2007		Client contact RC re: update of case	0.10	NT	N	N	0.1	\$350	\$35.00
2/1/2007		Client contact MM re: update of case	0.10	NT	N	N	0.1	\$350	\$35.00
2/11/2007		Client contact BM re: update of case	0.10	NT	N	N	0.1	\$350	\$35.00
2/15/2007		Client contact RC re: update of case	0.10	NT	N	N	0.1	\$350	\$35.00
3/22/2007		Client meeting re: trial Strategy	5.60	NT	N	N	5.6	\$350	\$1,960.00
3/23/2007		Meeting w/TMK re: trial Strategy	1.40	NT	N	N	1.4	\$350	\$490.00
3/26/2007		Meeting w/Erba re: trial strategy, pending mo & trial issue brf's	1.40	NT	N	N	1.4	\$350	\$490.00
3/26/2007		Order in ECF re: party contact issue	0.10	NT	N	N	0.1	\$350	\$35.00
3/26/2007		Call clients re: order in	0.40	NT	N	N	0.4	\$350	\$140.00

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4/1/2007		Contact clients schl conf	0.30	NT	N	N	0.3	\$350	\$105.00
4/2/2007		Meet w/TMK re:trial strategy conf	0.10	NT	N	N	0.1	\$350	\$35.00
4/26/2007		Meet w/Erba & clients re: trial strategy, pending mo & brf's	3.40	NT	N	N	3.4	\$350	\$1,190.00
4/26/2007		Meet w/TMK re: prior meets w/ Erba & clients	0.60	NT	N	N	0.6	\$350	\$210.00
5/10/2007		Ph conf	0.20	NT	N	N	0.2	\$350	\$70.00
5/10/2007		Tel conf w/clients re:ph Conf	0.30	NT	N	N	0.3	\$350	\$105.00
5/16/2007		Order memo in-ECF re: mo amd-denied, copy & distribute	0.40	NT	Y	N	0	\$350	\$0.00
5/16/2007		ECF in-re:ph conf set for 5-10	0.10	NT	N	N	0.1	\$350	\$35.00
5/16/2007		Ph conf w/clients re:decision & conf date	1.40	NT	N	N	1.4	\$350	\$490.00
5/17/2007		Legal research & file review for mo reconcideration/stay	4.40	NT	Y	N	0	\$350	\$0.00
5/18/2007		Draft mo recon/ omnibus Mo	12.60	NT	Y	N	0	\$350	\$0.00
5/19/2007		Review draft stay mo & reconsid w/TMK	2.30	NT	Y	N	0	\$350	\$0.00
5/19/2007		Send draft to clients for review comments	0.30	NT	Y	N	0	\$350	\$0.00

**Appendix**

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5/22/2007		Client meeting re:comments	3.20	NT	Y	N	0	\$350	\$0.00
5/22/2007		Edit motion	2.30	NT	Y	N	0	\$350	\$0.00
5/23/2007		Final edit, convert to PDF & file omnibus mo	0.50	NT	Y	N	0	\$350	\$0.00
6/2/2007		Tx from BM re:update-omnibus mo	0.10	NT	Y	N	0	\$350	\$0.00
6/3/2007		Tx from MM & RC re:update-omnibus mo	0.20	NT	Y	N	0	\$350	\$0.00
6/11/2007		City response to omnibus mo in ECF, copy and distribute	0.40	NT	Y	N	0	\$350	\$0.00
6/12/2007		Review response	0.50	NT	Y	N	0	\$350	\$0.00
6/12/2007		Review response w/TMK	0.30	NT	Y	N	0	\$350	\$0.00
6/12/2007		Client tel conf re: City response & reply	0.70	NT	Y	N	0	\$350	\$0.00
6/14/2007		Draft reply & legal research for reply	2.40	NT	Y	N	0	\$350	\$0.00
6/17/2007		Edit draft reply	3.20	NT	Y	N	0	\$350	\$0.00
6/18/2007		Send draft reply to clients & TMK	0.20	NT	Y	N	0	\$350	\$0.00
6/19/2007		Client conf re:edits to reply	1.10	NT	Y	N	0	\$350	\$0.00
6/19/2007		Review client & TMK changes w/TMK	0.50	NT	Y	N	0	\$350	\$0.00
6/20/2007		Final read/edit, convert & file	1.30	NT	Y	N	0	\$350	\$0.00

**Appendix**

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7/10/2007		Client contacts re: update on pending motion	0.20	NT	N	N	0.2	\$350	\$70.00
7/19/2007		Client contacts re: update on pending motion	0.10	NT	N	N	0.1	\$350	\$35.00
7/20/2007		Contact RC re: update on pending matters	0.10	NT	N	N	0.1	\$350	\$35.00
7/29/2007		Client contacts re: update on pending motion	0.30	NT	N	N	0.3	\$350	\$105.00
8/10/2007		Client contacts re: update on pending motion	0.20	NT	N	N	0.2	\$350	\$70.00
8/29/2007		Client contacts re: update on pending motion	0.10	NT	N	N	0.1	\$350	\$35.00
8/29/2007		Contact RC re: update on pending matters	0.10	NT	N	N	0.1	\$350	\$35.00
9/1/2007		Client contacts re: update on pending motion	0.20	NT	N	N	0.2	\$350	\$70.00
9/12/2007		Client contacts re: update on pending motion	0.10	NT	N	N	0.1	\$350	\$35.00
9/15/2007		Contact RC re: update on pending matters	0.10	NT	N	N	0.1	\$350	\$35.00
10/10/2007		Client contacts re: update on pending motion	0.20	NT	N	N	0.2	\$350	\$70.00
10/11/2007		Client contacts re: update on pending motion	0.10	NT	N	N	0.1	\$350	\$35.00
10/12/2007		Contact RC re: update on pending matters	0.10	NT	N	N	0.1	\$350	\$35.00



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11/28/2007		Order/decision in-ECF, copy, send & review	0.60	NT	Y	N	0	\$350	\$0.00
11/28/2007		Order in re: ph conf for 12-13	0.20	NT	N	N	0.2	\$350	\$70.00
11/28/2007		Client meeting (ph conf) re: decision & strategy	0.80	NT	N	N	0.8	\$350	\$280.00
12/1/2007		Client meeting, file review	4.50	NT	N	N	4.5	\$350	\$1,575.00
12/2/2007		Draft 2 <sup>nd</sup> motion for reconsideration	2.30	NT	Y	Y	0	\$350	\$0.00
12/3/2007		Send draft mo to client for review & input	0.20	NT	Y	Y	0	\$350	\$0.00
12/3/2007		Send 2 <sup>nd</sup> mo to TMK for review	0.10	NT	Y	Y	0	\$350	\$0.00
12/4/2007		Meeting w/client & TMK re:reviews for 2 <sup>nd</sup> motion reconsideration	0.50	NT	Y	Y	0	\$350	\$0.00
12/5/2007		Edit reconsideration motion	0.70	NT	Y	Y	0	\$350	\$0.00
12/7/2007		Convert mo to PDF & file ECF 2 <sup>nd</sup> mo for reconsideration	0.20	NT	Y	Y	0	\$350	\$0.00
12/12/2007		Order in re:2 <sup>nd</sup> mo reconsid, review & send to clients & TMK	0.30	NT	N	Y	0	\$350	\$0.00
12/12/2007		Meet(ph conf) w/clients re: decision	0.50	NT	N	N	0.5	\$350	\$175.00

**Appendix**

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12/13/2007		Ph conf w/clients re: today's ph conf	0.30	NT	N	N	0.3	\$350	\$105.00
12/13/2007		Ph conf	0.30	NT	N	N	0.3	\$350	\$105.00
12/13/2007		Meet w/clients in office re: conf call & mandamus	1.40	NT	N	Y	0	\$350	\$0.00
12/13/2007		Legal research re:mandamus & draft petition	6.10	NT	Y	Y	0	\$350	\$0.00
12/14/2007		Draft Mandamus pet & send to clients	10.50	NT	Y	Y	0	\$350	\$0.00
12/14/2007		Meet w/TMK re: pretrial order, trial strategy & Mandamus	1.00	NT	N	N	1	\$350	\$350.00
12/15/2007		Client imput on Mandamus received, edit pet	2.30	NT	Y	Y	0	\$350	\$0.00
12/16/2007		Meet w/TMK re: edits for Mandamus	0.30	NT	Y	Y	0	\$350	\$0.00
12/17/2007		Marshall exhibits for pet Mandamus	1.60	NT	Y	Y	0	\$350	\$0.00
12/17/2007		Order in-ECF re: pretrial order & case consolidation, review & send to clients	0.30	NT	N	N	0.3	\$350	\$105.00
12/19/2007		Pet Mandamus to clients for review	0.30	NT	Y	Y	0	\$350	\$0.00

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12/19/2007		File review, start to marshal trial exhibits	12.90	<b>NT</b>	<b>N</b>	<b>N</b>	<b>12.9</b>	<b>\$350</b>	<b>\$4,515.00</b>
12/20/2007		Cont trial prep, marshal exhibits & review deps	12.00	<b>NT</b>	<b>N</b>	<b>N</b>	<b>12</b>	<b>\$350</b>	<b>\$4,200.00</b>
12/20/2007		Edit, copy & file 3 <sup>rd</sup> Cir for mandamus	2.50	<b>NT</b>	<b>Y</b>	<b>Y</b>	<b>0</b>	<b>\$350</b>	<b>\$0.00</b>
12/22/2007		Trial prep cont, file review, dep review, jury instructions	16.90	<b>NT</b>	<b>N</b>	<b>N</b>	<b>16.9</b>	<b>\$350</b>	<b>\$5,915.00</b>
12/26/2007		Order & clerk note (ECF) in, dates reset & conf transcript in	0.20	<b>NT</b>	<b>N</b>	<b>N</b>	<b>0.2</b>	<b>\$350</b>	<b>\$70.00</b>
1/10/2008		Client meeting re: settlement	0.90	<b>NT</b>	<b>N</b>	<b>N</b>	<b>0.9</b>	<b>\$350</b>	<b>\$315.00</b>
1/16/2008		Order in re: settlement date, review & send to clients & TMK	0.30	<b>NT</b>	<b>N</b>	<b>N</b>	<b>0.3</b>	<b>\$350</b>	<b>\$105.00</b>
1/24/2008		Contact w/opp counsel re: joint stay motion, review & approve	0.40	<b>NT</b>	<b>N</b>	<b>N</b>	<b>0.4</b>	<b>\$350</b>	<b>\$140.00</b>
1/25/2008		Joint mo filed, ECF, copy & send to clients	0.30	<b>NT</b>	<b>N</b>	<b>N</b>	<b>0.3</b>	<b>\$350</b>	<b>\$105.00</b>
1/26/2008		Tx contact Annett Oakley re: trial aid counsel, case summary discussed	0.50	<b>NT</b>	<b>N</b>	<b>N</b>	<b>0.5</b>	<b>\$350</b>	<b>\$175.00</b>

**Appendix**

<b>Date</b>	<b>Appeal</b>	<b>Description</b>	<b>Time (Hours)</b>	<b>Type</b>	<b>Delete as Unsuccessful? Y/N</b>	<b>Delete as Unnecessary? Y/N</b>	<b>Allowable Hours</b>	<b>Hourly Rate for Type</b>	<b>Allowable Fee</b>
1/27/2008		Meet w/AO re: case facts, procedure to date & trial strategy	4.60	NT	N	N	4.6	\$350	\$1,610.00
1/29/2008		Order in-ECF re: joint mo granted	0.10	NT	N	N	0.1	\$350	\$35.00
1/29/2008		Tx clients& AO re: stay granted	0.40	NT	N	N	0.4	\$350	\$140.00
1/29/2008		Mandamus decision denied, advise clients	0.30	NT	Y	Y	0	\$350	\$0.00
1/31/2008		Client conf re: trial & scheduling trial prep	1.30	NT	N	N	1.3	\$350	\$455.00
2/4/2008		ECF order in- amd pretrial order, review & send to clients, AO	0.30	NT	N	N	0.3	\$350	\$105.00
2/23/2008		Prep for final pretrial conf	1.90	NT	N	Y	0	\$350	\$0.00
2/24/2008		Final pretrial conf	5.30	NT	N	Y	0	\$350	\$0.00
2/25/2008		Prep for trial, meet w/clients, marshal exhibits	6.90	NT	N	N	6.9	\$350	\$2,415.00
2/26/2008		Pretrial prep, cont marshal exhibits	3.30	NT	N	N	3.3	\$350	\$1,155.00
3/16/2008		Meet w/clients & AO re: trial matters, review file, deps & agency transcripts	6.70	NT	N	N	6.7	\$350	\$2,345.00
3/30/2008		Meet w/TMK re: coordinate w/AO & trial witness & subp issuance	8.90	NT	N	N	8.9	\$350	\$3,115.00

**Appendix**

<b>Date</b>	<b>Appeal</b>	<b>Description</b>	<b>Time (Hours)</b>	<b>Type</b>	<b>Delete as Unsuccessful? Y/N</b>	<b>Delete as Unnecessary? Y/N</b>	<b>Allowable Hours</b>	<b>Hourly Rate for Type</b>	<b>Allowable Fee</b>
4/5/2008		Client meeting, witness for trial & trial exhibits	12.50	NT	N	N	12.5	\$350	\$4,375.00
4/6/2008		Client trial prep their testimony & trial exhibit books	9.70	NT	N	N	9.7	\$350	\$3,395.00
4/7/2008		Review case file for exhibits, witnesses, defendant testimony	4.50	NT	N	N	4.5	\$350	\$1,575.00
4/10/2008		Edit pretrial memo	2.10	NT	N	N	2.1	\$350	\$735.00
4/11/2008		Cont work on pretrial memo	4.40	NT	N	N	4.4	\$350	\$1,540.00
4/12/2008		Client prêt, trial testimony & document use	11.70	NT	N	N	11.7	\$350	\$4,095.00
4/12/2008		Pretrial memo, mod jury instructions, edit pretrial memo	2.20	NT	N	N	2.2	\$350	\$770.00
4/13/2008		Client prep, documents & witnesses needed for trial	16.50	NT	N	N	16.5	\$350	\$5,775.00
4/14/2008		Interview trial witness, phila (aultman)	3.60	NT	N	N	3.6	\$350	\$1,260.00
4/15/2008		Edit pretrial memo, cont work, witness & exhibit lists	4.20	NT	N	N	4.2	\$350	\$1,470.00
4/15/2008		Trial prep review agency transcripts	12.30	NT	N	N	12.3	\$350	\$4,305.00

**Appendix**

<b>Date</b>	<b>Appeal</b>	<b>Description</b>	<b>Time (Hours)</b>	<b>Type</b>	<b>Delete as Unsuccessful? Y/N</b>	<b>Delete as Unnecessary? Y/N</b>	<b>Allowable Hours</b>	<b>Hourly Rate for Type</b>	<b>Allowable Fee</b>
4/16/2008		Draft pretrial to clients for review of exhibits & witnesses	0.30	NT	N	N	0.3	\$350	\$105.00
4/16/2008		Trial prep-review agency transcripts, deps & papers	16.00	NT	N	N	16	\$350	\$5,600.00
4/17/2008		Tx w/& meet GV re: pretrial memo	3.50	NT	N	N	3.5	\$350	\$1,225.00
4/17/2008		Trial witness interviews	5.60	NT	N	N	5.6	\$350	\$1,960.00
4/17/2008		Trial prep, review deps	6.00	NT	N	N	6	\$350	\$2,100.00
4/18/2008		Trial witness interviews	5.60	NT	N	N	5.6	\$350	\$1,960.00
4/18/2008		Draft mo in limine & review deps, doc & transcripts	7.50	NT	N	N	7.5	\$350	\$2,625.00
4/18/2008		Client review mo in limine	0.40	NT	N	N	0.4	\$350	\$140.00
4/19/2008		Meet w/TMK re: mo in limine review	0.20	NT	N	N	0.2	\$350	\$70.00
4/19/2008		Legal research motion in limine	1.20	NT	N	N	1.2	\$350	\$420.00
4/19/2008		Client conf, prep fpr trial, client doc use w/clients, AO	5.80	NT	N	N	5.8	\$350	\$2,030.00
4/20/2008		Edit motion in limine	1.90	NT	N	N	1.9	\$350	\$665.00
4/20/2008		Cont trial prep of client testimony w/clients & AO	7.80	NT	N	N	7.8	\$350	\$2,730.00
4/21/2008		Final edit, convert & file mo in limine	4.30	NT	N	N	4.3	\$350	\$1,505.00
4/21/2008		Interview ptlf trial witness	1.30	NT	N	N	1.3	\$350	\$455.00

**Appendix**

<b>Date</b>	<b>Appeal</b>	<b>Description</b>	<b>Time (Hours)</b>	<b>Type</b>	<b>Delete as Unsuccessful? Y/N</b>	<b>Delete as Unnecessary? Y/N</b>	<b>Allowable Hours</b>	<b>Hourly Rate for Type</b>	<b>Allowable Fee</b>
4/23/2008		Prep for final pretrial conf	1.90	NT	N	N	1.9	\$350	\$665.00
4/24/2008		Final pretrial conf, met clients post-conf	5.30	NT	N	N	5.3	\$350	\$1,855.00
4/24/2008		Review City response to mo limine	0.90	NT	N	N	0.9	\$350	\$315.00
4/25/2008		Order in-ECF, review correct docket	0.10	NT	N	N	0.1	\$350	\$35.00
4/25/2008		Client contact re: order changing docket	0.60	NT	N	N	0.6	\$350	\$210.00
4/25/2008		Prep 2 <sup>nd</sup> mo limine, prep void dir, jury instr verdict sheet	12.70	NT	N	N	12.7	\$350	\$4,445.00
4/26/2008		Pretrial prep, cont client prep, review def exhibits for trial book	18.30	NT	N	N	18.3	\$350	\$6,405.00
4/27/2008		Client prep, review def trial exhibits, prep mo	12.70	NT	N	N	12.7	\$350	\$4,445.00
4/28/2008		Trial prep, review def trial exhibits	4.50	NT	N	N	4.5	\$350	\$1,575.00
4/29/2008		Trial prep, review def trial exhibits	4.50	NT	N	N	4.5	\$350	\$1,575.00
4/29/2008		Review City response to mo in limine ECF	0.90	NT	N	N	0.9	\$350	\$315.00
4/29/2008		Send City response to client, TMK & AO, review with all	1.30	NT	N	N	1.3	\$350	\$455.00

**Appendix**

<b>Date</b>	<b>Appeal</b>	<b>Description</b>	<b>Time (Hours)</b>	<b>Type</b>	<b>Delete as Unsuccessful? Y/N</b>	<b>Delete as Unnecessary? Y/N</b>	<b>Allowable Hours</b>	<b>Hourly Rate for Type</b>	<b>Allowable Fee</b>
4/30/2008		Review City proposed VD (ECF) sent to AO & TMK	0.20	NT	N	N	0.2	\$350	\$70.00
4/30/2008		Order in(ECF) re: mo limine	0.30	NT	N	N	0.3	\$350	\$105.00
4/30/2008		Tx w/client re:limine decision	0.60	NT	N	N	0.6	\$350	\$210.00
4/30/2008		Tx w/ TMK & AO re: limine decision	0.50	NT	N	N	0.5	\$350	\$175.00
4/30/2008		Pre notice, send for review by clients, TMK & AO	1.90	NT	N	N	1.9	\$350	\$665.00
5/1/2008		Meet w/TMK & AO re: notice	0.50	NT	N	N	0.5	\$350	\$175.00
5/1/2008		Ordin in trial issues	0.60	NT	N	N	0.6	\$350	\$210.00
5/1/2008		Order in re:evid ruling	0.30	NT	N	N	0.3	\$350	\$105.00
5/1/2008		Tx w/clients, meet w/TMK & AO re; orders in 5/1/08	2.30	NT	N	N	2.3	\$350	\$805.00
5/1/2008		Prep 3 <sup>rd</sup> mo limine	1.70	NT	Y	Y	0	\$350	\$0.00
5/1/2008		Send 3 <sup>rd</sup> limine to clients, TMK & AO to review`	0.20	NT	Y	Y	0	\$350	\$0.00
5/1/2008		Meet w/TMK & AO re: 3 <sup>rd</sup> limine mo	0.30	NT	Y	Y	0	\$350	\$0.00
5/1/2008		Edits to 3 <sup>rd</sup> limine mo	0.60	NT	Y	Y	0	\$350	\$0.00



**Appendix**

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5/2/2008		Conf w/TMK & AO re: wit order, opening & jury selection, 3 <sup>rd</sup> limine	8.50	NT	N	N	8.5	\$350	\$2,975.00
5/2/2008		Prep for trial, review pltf's trial exhibits	5.60	NT	N	N	5.6	\$350	\$1,960.00
5/3/2008		Prep for trial, review trial cross exam notes	3.40	NT	N	N	3.4	\$350	\$1,190.00
5/4/2008		Edit 3 <sup>rd</sup> limine mo, conform & file	0.60	NT	Y	Y	0	\$350	\$0.00
5/4/2008		Prep for trial, review pltf's trial exhibits	3.10	NT	N	N	3.1	\$350	\$1,085.00
5/5/2008		Trial- pretrial review & prep for next day of trial, review City filing	9.00	T	N	N	9	\$450	\$4,050.00
5/5/2008		<i>ditto</i>	11.00	NT	N	N	11	\$350	\$3,850.00
5/6/2008		Trial- pretrial review & prep for next day of trial	9.00	T	N	N	9	\$450	\$4,050.00
5/6/2008		<i>ditto</i>	11.00	NT	N	N	11	\$350	\$3,850.00
5/8/2008		Trial- pretrial review & prep for next day of trial	20.00	T	N	N	20	\$450	\$9,000.00
5/8/2008		<i>ditto</i>		NT	N	N	0	\$350	\$0.00
5/9/2008		Trial- pretrial review & prep for next day of trial	9.00	T	N	N	9	\$450	\$4,050.00
5/9/2008		<i>ditto</i>	11.00	NT	N	N	11	\$350	\$3,850.00
5/10/2008		Trial- pretrial review & prep for next day of trial	9.00	T	N	N	9	\$450	\$4,050.00
5/10/2008		<i>ditto</i>	4.50	NT	N	N	4.5	\$350	\$1,575.00

**Appendix**

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5/11/2008		Meet w/trial witness, TM & BM, prep for testimony	8.40	NT	N	N	8.4	\$350	\$2,940.00
5/12/2008		Trial prep	5.60	NT	N	N	5.6	\$350	\$1,960.00
5/13/2008		Trial-pretrial review & prep for next day of trial	9.00	T	N	N	9	\$450	\$4,050.00
5/13/2008		<i>ditto</i>	11.00	NT	N	N	11	\$350	\$3,850.00
5/14/2008		Trial-pretrial review & prep for next day of trial	9.00	T	N	N	9	\$450	\$4,050.00
5/14/2008		<i>ditto</i>	4.50	NT	N	N	4.5	\$350	\$1,575.00
5/15/2008		Client contact, re: post trial motions	2.50	NT	N	N	2.5	\$350	\$875.00
5/16/2008		Marshal docs for Bill of Costs, legal research judgment motion	12.60	NT	N	N	12.6	\$350	\$4,410.00
5/17/2008		Prep motion for entry of judgment & fee petition	10.80	NT	N	N	10.8	\$350	\$3,780.00
5/18/2008		Edit motion & fee petition	12.50	NT	N	N	12.5	\$350	\$4,375.00
5/19/2008		Final edit motion & fee petition & Bill of Costs, conform & file	8.50	NT	N	N	8.5	\$350	\$2,975.00
5/19/2008		Client contact WM re: status of case next hearing, b/f pay amend matter	0.50	NT	Y	N	0	\$350	\$0.00
5/19/2008		Client contact MM re: case status & next hearing, \$ issue of b/f pay	0.30	NT	Y	N	0	\$350	\$0.00

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5/19/2008		Meet w/RC re: tax forms, review pending trial issue (b/f pay)	1.00	NT	N	N	1	\$350	\$350.00
5/19/2008		Order in, re: ph conf 5/28	0.10	NT	N	N	0.1	\$350	\$35.00
5/20/2008		Review w/BMP re: next hearing, City reqst for tax records & ph conf	0.50	NT	N	N	0.5	\$350	\$175.00
5/20/2008		File review (discovery) look for prior City request for tax returns	2.50	NT	N	N	2.5	\$350	\$875.00
5/20/2008		Letter prep & Email to GV re: tax return	0.30	NT	N	N	0.3	\$350	\$105.00
5/20/2008		Call client re: case update-ph conf 5/28	0.10	NT	N	N	0.1	\$350	\$35.00
5/20/2008		Call client re: case update-ph conf 5/28	0.10	NT	N	N	0.1	\$350	\$35.00
5/20/2008		Call client re: case update-ph conf 5/28	0.10	NT	N	N	0.1	\$350	\$35.00
5/20/2008		Email to clients confirming case update of 5/28 ph conf	0.10	NT	N	N	0.1	\$350	\$35.00
5/20/2008		Tx w/DH re: motions	0.10	NT	N	N	0.1	\$350	\$35.00
5/20/2008		Email from GV re: tax returns (reviw attached ltr)	0.10	NT	N	N	0.1	\$350	\$35.00
5/20/2008		Email to GV re: tax returns (ltr drafted)	0.20	NT	N	N	0.2	\$350	\$70.00

**Appendix**

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5/20/2008		Review reply to mo 2 enter judgment (both ECF case copies)	0.20	NT	N	N	0.2	\$350	\$70.00
5/20/2008		Forward City response to mo & notice for client review	0.20	NT	N	N	0.2	\$350	\$70.00
5/20/2008		Review reply to notice to enter judgment (both cases)	0.10	NT	N	N	0.1	\$350	\$35.00
5/20/2008		Review w/TMK City replay & call with DH (case strategy meeting)	0.30	NT	N	N	0.3	\$350	\$105.00
5/20/2008		Factual research re: disqualifying conviction/arrest PPD	2.20	NT	N	N	2.2	\$350	\$770.00
5/20/2008		Cont search of file for def #56 R4P request	1.20	NT	N	N	1.2	\$350	\$420.00
5/21/2008		Cont search of file for Def City's R4p of Doc request	1.00	NT	N	N	1	\$350	\$350.00
5/21/2008		Cont research disqualifying arrest/conviction- MPO & West	2.70	NT	N	N	2.7	\$350	\$945.00
5/21/2008		Ltr to City (GV) City doc request was only for to year 1999	0.30	NT	N	N	0.3	\$350	\$105.00

**Appendix**

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5/21/2008		Draft reply to City's response to mo enter judmt, re: 98 case	1.20	NT	N	N	1.2	\$350	\$420.00
5/21/2008		Client contact RC re: upcoming hearing-strategy/research	1.80	NT	N	N	1.8	\$350	\$630.00
5/21/2008		Edit reply to resp re: mo entr judmt	0.50	NT	N	N	0.5	\$350	\$175.00
5/21/2008		Legal research mold award to state damage award	1.20	NT	Y	N	0	\$350	\$0.00
5/21/2008		Draft motion & MOL for molding award	2.30	NT	Y	N	0	\$350	\$0.00
5/21/2008		Cir draft of reply and mo / mol to client for comment, review with client	0.60	NT	Y	N	0	\$350	\$0.00
5/22/2008		Edit reply & mo/mol w/client & TMK comments	0.70	NT	Y	N	0	\$350	\$0.00
5/22/2008		Email WM re: amd mo for sick chk	0.01	NT	Y	Y	0	\$350	\$0.00
5/22/2008		Draft mo to amend add term for WM	4.50	NT	Y	Y	0	\$350	\$0.00
5/22/2008		Conf w/client & TMK for review of mo amd recon	0.30	NT	Y	Y	0	\$350	\$0.00
5/22/2008		Make changes to mo amd recon	0.80	NT	Y	Y	0	\$350	\$0.00

**Appendix**

<b>Date</b>	<b>Appeal</b>	<b>Description</b>	<b>Time (Hours)</b>	<b>Type</b>	<b>Delete as Unsuccessful? Y/N</b>	<b>Delete as Unnecessary? Y/N</b>	<b>Allowable Hours</b>	<b>Hourly Rate for Type</b>	<b>Allowable Fee</b>
5/22/2008		File review re: locate docs for upcoming wage equity hearing	1.50	NT	N	N	1.5	\$350	\$525.00
5/22/2008		Contact (TX) RC re: wages hearing record	0.30	NT	N	N	0.3	\$350	\$105.00
5/22/2008		Tx w/Capt Cotton PPD, re: disqualification conviction standard	0.20	NT	N	N	0.2	\$350	\$70.00
5/22/2008		Conform drafts (mos & mols) to PDF & file	0.30	NT	Y	Y	0	\$350	\$0.00
5/28/2008		Emails from o/c re: conf call	0.10	NT	N	N	0.1	\$350	\$35.00
5/28/2008		Calls from clients re: update on case & conf call	0.20	NT	N	N	0.2	\$350	\$70.00
5/28/2008		Phn conf with Court	0.50	NT	N	N	0.5	\$350	\$175.00
5/28/2008		Post-conf call meeting w/clients, person & phone	1.20	NT	N	N	1.2	\$350	\$420.00
5/29/2008		Review City mo to compel	0.80	NT	N	N	0.8	\$350	\$280.00
5/29/2008		Forward to clients the City mo 2 compel	0.20	NT	N	N	0.2	\$350	\$70.00
5/29/2008		Conf w/clients re: City rest concerning fee mo	0.50	NT	N	N	0.5	\$350	\$175.00
5/29/2008		Start draft opposition to City mo compel	2.30	NT	N	N	2.3	\$350	\$805.00
5/30/2008		Email to opposing counsel re request. Also edit draft on reply	10.50	NT	N	N	10.5	\$350	\$3,675.00

**Appendix**

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5/31/2008		File work, look for cites & edit opp to mo	7.90	NT	N	N	7.9	\$350	\$2,765.00
6/1/2008		Cont edit & file search for MORE proofs to add in mo	8.50	NT	N	N	8.5	\$350	\$2,975.00
6/2/2008		Final edit of opposition-conform to PDF & file	6.90	NT	N	N	6.9	\$350	\$2,415.00
6/9/2008		Recv & read City response to PHRA issue	1.30	NT	Y	N	0	\$350	\$0.00
6/9/2008		Client conf, by phone separate, go over City response	1.60	NT	Y	N	0	\$350	\$0.00
6/10/2008		Legal research, trial invest(w/MPOETC) re: disqualification as PO issue	0.60	NT	N	N	0.6	\$350	\$210.00
6/11/2008		Legal research, review D law, do own research in support	3.40	NT	Y	N	0	\$350	\$0.00
6/11/2008		Tx w/RC re: equity damage portion of case	0.20	NT	N	N	0.2	\$350	\$70.00
6/12/2008		Draft reply	9.70	NT	Y	N	0	\$350	\$0.00
6/13/2008		Draft edit	4.30	NT	Y	N	0	\$350	\$0.00
6/13/2008		Tx w/RC re: order and tax issue	0.30	NT	N	N	0.3	\$350	\$105.00
6/13/2008		Conform & send tax auth to defendant counsel	0.40	NT	N	N	0.4	\$350	\$140.00

**Appendix**

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6/13/2008		Prepare & file notice of compliance	0.40	NT	N	N	0.4	\$350	\$140.00
6/15/2008		Client review, conference re: draft reply to PRHAC issue	1.20	NT	Y	N	0	\$350	\$0.00
6/16/2008		Edit reply w/client & TMK comment, file review for exhibits	3.60	NT	Y	N	0	\$350	\$0.00
6/17/2008		Final edit, review & write to reply PGRA issue, conform & file	2.70	NT	Y	N	0	\$350	\$0.00
6/25/2008		Orders in, review & notify clients	0.60	NT	N	N	0.6	\$350	\$210.00
7/9/2008		Client meeting re: trial	4.50	NT	N	N	4.5	\$350	\$1,575.00
7/10/2008		Tx from RC & WM & email from CP re: IRS visit	0.40	NT	N	Y	0	\$350	\$0.00
7/10/2008		Draft mo, declarations	6.90	NT	N	Y	0	\$350	\$0.00
7/11/2008		Meet w/RC re: IRS visit and Dec	1.20	NT	N	Y	0	\$350	\$0.00
7/12/2008		Edit motion & draft MOL	6.90	NT	N	Y	0	\$350	\$0.00
7/13/2008		Review edit by clients, TMK & CP, edit MOL, MO	0.40	NT	N	Y	0	\$350	\$0.00
7/13/2008		Conduct legal research & edit Mo	4.40	NT	N	Y	0	\$350	\$0.00



**Appendix**

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7/14/2008		Final review & edit of Mo, MOL and conform exhibits	2.80	NT	N	Y	0	\$350	\$0.00
7/14/2008		File Mo, MOL and Exhibits, ECF Receipt to file	0.20	NT	N	Y	0	\$350	\$0.00
7/14/2008		Dec from WM	0.30	NT	N	Y	0	\$350	\$0.00
7/31/2008		Mo for sanction by City, review	0.70	NT	N	Y	0	\$350	\$0.00
7/31/2008		Call each client & advise & discus sanction w/each	0.80	NT	N	Y	0	\$350	\$0.00
7/31/2008		Check law, legal research, and draft Reply to response	0.70	NT	N	Y	0	\$350	\$0.00
8/11/2008		ECF message trial transcripts available	0.00	NT	N	N	0	\$350	\$0.00
8/12/2008		Mo in City's re:Dz Ray's verdict review	1.40	NT	N	N	1.4	\$350	\$490.00
8/12/2008		Call Clients advise of mo, send mo to clients	0.30	NT	N	N	0.3	\$350	\$105.00
8/13/2008		Legal research (assign AO)	0.20	NT	N	Y	0	\$350	\$0.00
8/13/2008		Legal research by AO	3.50	NT	N	Y	0	\$350	\$0.00
8/14/2008		Conf w/ AO re: legal research result assign AO to draft reply	0.20	NT	N	Y	0	\$350	\$0.00

**Appendix**

<b>Date</b>	<b>Appeal</b>	<b>Description</b>	<b>Time (Hours)</b>	<b>Type</b>	<b>Delete as Unsuccessful? Y/N</b>	<b>Delete as Unnecessary? Y/N</b>	<b>Allowable Hours</b>	<b>Hourly Rate for Type</b>	<b>Allowable Fee</b>
8/15/2008		Review draft, forward to clerk for proofing	1.30	NT	N	Y	0	\$350	\$0.00
8/16/2008		Review edits by clerk CP	0.50	NT	N	Y	0	\$350	\$0.00
8/16/2008		Met w/AO, assign final write for reply	0.20	NT	N	Y	0	\$350	\$0.00
8/16/2008		AO final write	2.30	NT	N	Y	0	\$350	\$0.00
8/17/2008		Review final write, conform & file	1.10	NT	N	Y	0	\$350	\$0.00
8/22/2008		ECF in from City re: response to reply, review	0.70	NT	N	Y	0	\$350	\$0.00
8/22/2008		Meet with AO re: reply by City, call clients & email them copies	0.40	NT	N	Y	0	\$350	\$0.00
8/24/2008		ECF in from City re: reply to discovery mo, review	0.60	NT	N	N	0.6	\$350	\$210.00
8/24/2008		Meet w/AO re: reply, assign to check law & poss reply	0.20	NT	N	N	0.2	\$350	\$70.00
8/24/2008		Conf w/clients re: City reply	0.50	NT	N	N	0.5	\$350	\$175.00
8/26/2008		Met w/AO re: assignments	0.20	NT	N	N	0.2	\$350	\$70.00
8/28/2008		Order in review, email to clients & AO	0.30	NT	N	N	0.3	\$350	\$105.00
8/28/2008		Client contact re: order Speak with all three clients diff times	0.60	NT	N	N	0.6	\$350	\$210.00

**Appendix**

<b>Date</b>	<b>Appeal</b>	<b>Description</b>	<b>Time (Hours)</b>	<b>Type</b>	<b>Delete as Unsuccessful? Y/N</b>	<b>Delete as Unnecessary? Y/N</b>	<b>Allowable Hours</b>	<b>Hourly Rate for Type</b>	<b>Allowable Fee</b>
9/14/2008		Client contact all re: trial date, discovery & strategy matters, etc	0.20	NT	N	N	0.2	\$350	\$70.00
Oct-08		Contact GV re: request a conf w/Ct	0.10	NT	N	N	0.1	\$350	\$35.00
10/27/2008		Prep & send request conference made to court	0.30	NT	N	Y	0	\$350	\$0.00
10/28/2008		Mo for sanction, opp discovery & City mo to dz RC claims	8.80	NT	Y	Y	0	\$350	\$0.00
10/29/2008		Edit mo reply, send to clerk CP for proofing	3.40	NT	Y	Y	0	\$350	\$0.00
10/30/2008		Review edits & proof	0.30	NT	Y	Y	0	\$350	\$0.00
10/31/2008		Final edit & review, conform & file response	0.50	NT	Y	Y	0	\$350	\$0.00
11/7/2008		City reply brief to Pltf mo discovery & sanction, reviewed	0.30	NT	N	Y	0	\$350	\$0.00
11/7/2008		Email City reply to clients	0.10	NT	N	Y	0	\$350	\$0.00
11/8/2008		Discuss City reply with all clients	1.30	NT	N	Y	0	\$350	\$0.00
11/8/2008		Discuss City reply w/AO, re: check law	0.20	NT	N	Y	0	\$350	\$0.00
11/8/2008		AO legal research	1.20	NT	N	Y	0	\$350	\$0.00
11/9/2008		Meet w/AO re: research result	0.30	NT	N	Y	0	\$350	\$0.00

**Appendix**

<b>Date</b>	<b>Appeal</b>	<b>Description</b>	<b>Time (Hours)</b>	<b>Type</b>	<b>Delete as Unsuccessful? Y/N</b>	<b>Delete as Unnecessary? Y/N</b>	<b>Allowable Hours</b>	<b>Hourly Rate for Type</b>	<b>Allowable Fee</b>
11/9/2008		Assign memo re: sanction discovery etc (not exam RC to AO)	0.20	NT	N	Y	0	\$350	\$0.00
11/10/2008		Draft memo re: examine RC	1.90	NT	N	N	1.9	\$350	\$665.00
11/10/2008		Receive memo re: RC exam to CP for proofing, review remarks proofing	0.20	NT	N	N	0.2	\$350	\$70.00
11/11/2008		Memo to CP for proofing re: discovery issue	0.10	NT	N	Y	0	\$350	\$0.00
11/12/2008		Review edits & proofing, conform & file	0.70	NT	N	Y	0	\$350	\$0.00
11/14/2008		Final review, conform & file MOL re Exam RC	0.30	NT	N	N	0.3	\$350	\$105.00
11/17/2008		City response to pltf filings, review	0.50	NT	Y	Y	0	\$350	\$0.00
11/17/2008		Meet w/AO re: reply, email reply to clients & discuss w/all clients	0.80	NT	Y	Y	0	\$350	\$0.00
11/17/2008		Assign reply MOL to AO	0.10	NT	Y	Y	0	\$350	\$0.00
11/18/2008		Review AO reply MOL & send to CP for proofing	0.40	NT	Y	Y	0	\$350	\$0.00
11/19/2008		Review edits & proofing	0.20	NT	Y	Y	0	\$350	\$0.00
11/19/2008		Assign AO to edits for mol (1.2)	0.10	NT	Y	Y	0	\$350	\$0.00
11/20/2008		Review edits conform & file	0.20	NT	Y	Y	0	\$350	\$0.00

**Appendix**

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12/18/2008		Order in review	0.40	NT	N	N	0.4	\$350	\$140.00
12/18/2008		Tx calls w/client re: orders	0.50	NT	N	N	0.5	\$350	\$175.00
12/22/2008		Ltrs to GV re: depositions	0.20	NT	N	N	0.2	\$350	\$70.00
12/22/2008		Contact w/RC re: order & meet date	0.10	NT	N	N	0.1	\$350	\$35.00
12/22/2008		Contact w/client re: dep prep for Gaittens	0.30	NT	N	N	0.3	\$350	\$105.00
12/29/2008		ECF in Dec of DC Gaitten	0.10	NT	N	N	0.1	\$350	\$35.00
1/3/2009		Meet w/RC re: dep questions	3.20	NT	N	N	3.2	\$350	\$1,120.00
1/18/2009		Prep for dep	3.20	NT	N	N	3.2	\$350	\$1,120.00
1/20/2009		Legal research re: MPO qualification convictions	1.50	NT	N	N	1.5	\$350	\$525.00
1/21/2009		Dep RC & Gaittens confer w/Judge priv issue	4.30	NT	N	N	4.3	\$350	\$1,505.00
1/27/2009		Ltr in/out re: request for	0.30	NT	N	N	0.3	\$350	\$105.00
		7 sending RC SS documents					0	\$350	\$0.00
1/30/2009		Frat motion to resum trial (Mo II)	1.30	NT	N	N	1.3	\$350	\$455.00
1/31/2009		Edit motion	0.90	NT	N	N	0.9	\$350	\$315.00
1/31/2009		Tx w/ ray Carnation Ray mo.	0.20	NT	N	N	0.2	\$350	\$70.00
2/2/2009		Tx w/WM re: hearing & motion	0.40	NT	N	N	0.4	\$350	\$140.00
2/3/2009		Review, conform & file motion	0.70	NT	N	N	0.7	\$350	\$245.00

**Appendix**

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2/2/2009		Review 3 <sup>rd</sup> Cir release damages tax impact relief	0.40	NT	N	N	0.4	\$350	\$140.00
2/7/2009		Contact expert	0.20	NT	N	N	0.2	\$350	\$70.00
2/8/2009		Prep & file notice of intent to seek tax impact damages	0.20	NT	N	N	0.2	\$350	\$70.00
2/10/2009		Client contact re: Ray SS doc, Bill damages	0.20	NT	Y	N	0	\$350	\$0.00
2/11/2009		Legal research tax relief / offsets to wage award & interest	1.90	NT	N	N	1.9	\$350	\$665.00
2/11/2009		Client contact re: result of legal research	0.40	NT	N	N	0.4	\$350	\$140.00
2/11/2009		Work on fee/cost interest motion and brief	1.80	NT	N	N	1.8	\$350	\$630.00
2/15/2009		Order in, direct D to file reply	0.10	NT	N	N	0.1	\$350	\$35.00
2/17/2009		Response in from def re: resume trial & conf, review	0.20	NT	N	N	0.2	\$350	\$70.00
2/17/2009		Client contacts re: reply by Ds	0.40	NT	N	N	0.4	\$350	\$140.00
2/19/2009		Review 02/25/01 transcript on term issue in WMMC case	0.50	NT	Y	Y	0	\$350	\$0.00

**Appendix**

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2/20/2009		Order in conf and trial set review advise clients and schedl weekend meeting	0.20	NT	N	N	0.2	\$350	\$70.00
2/20/2009		Legal research re: term amend and prej/delay issues to facts here	2.30	NT	Y	Y	0	\$350	\$0.00
2/22/2009		Work with CP and Beth re: pretrial memo pre for conf/trial re: damages	7.50	NT	N	N	7.5	\$350	\$2,625.00
2/23/2009		Review prior orders, memos and trans (9/29/01argument) re; front/back pay all	2.10	NT	Y	N	0	\$350	\$0.00
2/24/2009		Prep memo, send to CP and Beth for work on calculation for Mike and Bill	0.00	NT	N	N	0	\$350	\$0.00
2/27/2009		Work on Carnation numbers, review all of Def Exhibits and finish memo	6.70	NT	N	N	6.7	\$350	\$2,345.00
2/27/2009		Tx w/ Ct re: new date March 17 Tues at 9:30am - Inform clients	0.20	NT	N	N	0.2	\$350	\$70.00
2/27/2009		Orders In review, send to clients and discuss w/ clients and AO	0.50	NT	N	N	0.5	\$350	\$175.00

**Appendix**

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2/28/2009		Research -limine motion for Gaittens & nondisclosed witness and documents	2.10	NT	N	N	2.1	\$350	\$735.00
3/2/2009		Mo in from City (in Oimine re: Verzilli, review	0.60	NT	N	N	0.6	\$350	\$210.00
3/2/2009		Email mo to clients	0.30	NT	N	N	0.3	\$350	\$105.00
3/3/2009		Conf w/ AO re: limine mo, assign draft duty	0.30	NT	N	N	0.3	\$350	\$105.00
3/3/2009		AO drafts reply	2.90	NT	N	N	2.9	\$350	\$1,015.00
3/5/2009		Review edits and proofing for limine mo, conform and file	0.40	NT	N	N	0.4	\$350	\$140.00
3/5/2009		Send draft to CP for proofing	0.40	NT	N	N	0.4	\$350	\$140.00
3/6/2009		Review edits and proofing, edited self, conformed and filed limine reply	0.30	NT	N	N	0.3	\$350	\$105.00
3/13/2009		Review draft reply to limine mo	0.30	NT	N	N	0.3	\$350	\$105.00
3/14/2009		Legal research on City's identity issues in memo	3.20	NT	N	N	3.2	\$350	\$1,120.00
3/15/2009		Meet w. CP re: doc marshal and ident issues for status conf	5.50	NT	N	N	5.5	\$350	\$1,925.00



**Appendix**

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3/16/2009		Order in re: Def Mo to dz or SJ. Denied. reviewed and sent to clients	0.20	NT	N	N	0.2	\$350	\$70.00
3/16/2009		Communications fro clients re: comments on outline for status confer	0.20	NT	N	N	0.2	\$350	\$70.00
3/16/2009		Prep for 031709 Status conf	1.10	NT	N	N	1.1	\$350	\$385.00
3/17/2009		Status conference	2.80	NT	N	N	2.8	\$350	\$980.00
3/18/2009		Order in City mo denied w/o prej re: verzilli, send to clients and AO	0.30	NT	N	N	0.3	\$350	\$105.00
3/19/2009		Order in re: Pt II trial date set	0.10	NT	N	N	0.1	\$350	\$35.00
3/19/2009		Client contacts and meet w/ AO re: order (decisions) discuss trial strategy Inform client of trial date	1.90	NT	N	N	1.9	\$350	\$665.00
3/23/2009		Review def trial book for evidence to be used at Equity part of trial - Dbtree reference by Def. Colorulo statement	1.60	NT	N	N	1.6	\$350	\$560.00
3/30/2009		ECF notice of mo, contact clients re: motion (who filed)	0.70	NT	N	N	0.7	\$350	\$245.00

**Appendix**

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3/31/2009		Order in re: Pro Se mo, review, send to clients	0.20	NT	N	N	0.2	\$350	\$70.00
3/31/2009		Client contacts re: order and pro se mo	0.00	NT	N	N	0	\$350	\$0.00
4/20/2009		Review trial exhibits on wire tap issue	1.70	NT	N	N	1.7	\$350	\$595.00
4/24/2009		Review Del criminal transcript on City issue of bases for possession	1.30	NT	N	N	1.3	\$350	\$455.00
4/27/2009		Meeting with AO on wire tap and conviction issue	2.00	NT	N	N	2	\$350	\$700.00
5/4/2009		Review with AO and Carnation re: wire tape and conviction issue.	0.50	NT	N	N	0.5	\$350	\$175.00
5/4/2009		Send email to GV re meet, facts can stip.	4.30	NT	N	N	4.3	\$350	\$1,505.00
5/11/2009		copy exhibits from book	0.30	NT	N	N	0.3	\$350	\$105.00
5/12/2009		Meet (self and AO) GV re: stipulation for equity hearing	2.50	NT	N	N	2.5	\$350	\$875.00
5/12/2009		Office prep stip, send to GV	0.50	NT	N	N	0.5	\$350	\$175.00
5/13/2009		Meet with GV and John with AO) re hearing conference stip facts and exhibit	3.20	NT	N	N	3.2	\$350	\$1,120.00
5/14/2009		Emails with GV re stip	0.20	NT	N	N	0.2	\$350	\$70.00

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5/15/2009		Emails and phone call conference with GV re: stip and facts. Review docs	8.90	<b>NT</b>	<b>N</b>	<b>N</b>	<b>8.9</b>	<b>\$350</b>	<b>\$3,115.00</b>
5/16/2009		Prehearing legal research assignment for any change in make whole law by AO	0.20	<b>NT</b>	<b>N</b>	<b>N</b>	<b>0.2</b>	<b>\$350</b>	<b>\$70.00</b>
5/16/2009		AO legal research case law 1.2 Dolin and Alabama case- Review	0.50	<b>NT</b>	<b>N</b>	<b>N</b>	<b>0.5</b>	<b>\$350</b>	<b>\$175.00</b>
5/17/2009		Marshall, outline, and copy Def trial book Exhibits, for testimony use	3.70	<b>NT</b>	<b>N</b>	<b>N</b>	<b>3.7</b>	<b>\$350</b>	<b>\$1,295.00</b>
5/17/2009		Prep with AO & Ray for hearing	2.30	<b>NT</b>	<b>N</b>	<b>N</b>	<b>2.3</b>	<b>\$350</b>	<b>\$805.00</b>
5/17/2009		Conference with AO re: review legal research by AO and last minute prep	0.60	<b>NT</b>	<b>N</b>	<b>N</b>	<b>0.6</b>	<b>\$350</b>	<b>\$210.00</b>
5/18/2009		Trial (Equity Hearing) portal to portal	6.30	<b>T</b>	<b>N</b>	<b>N</b>	<b>6.3</b>	<b>\$450</b>	<b>\$2,835.00</b>
5/18/2009		Post herring meeting with clients re: how to proceed . legal strategies	1.30	<b>NT</b>	<b>N</b>	<b>N</b>	<b>1.3</b>	<b>\$350</b>	<b>\$455.00</b>
5/19/2009		Conf w/ AO, assig tasks (ltr to ct with doc) and work on fee petition	0.40	<b>NT</b>	<b>N</b>	<b>N</b>	<b>0.4</b>	<b>\$350</b>	<b>\$140.00</b>

**Appendix**

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5/28/2009		-second fee petition filed..... see sheet 2		<b>NT</b>	<b>N</b>	<b>N</b>	<b>0</b>	<b>\$350</b>	<b>\$0.00</b>
5/28/2009		City trial brief on back pay in, send to all clients	0.30	<b>NT</b>	<b>N</b>	<b>N</b>	<b>0.3</b>	<b>\$350</b>	<b>\$105.00</b>
5/29/2009		Read City brief, legal research for new law	1.50	<b>NT</b>	<b>N</b>	<b>N</b>	<b>1.5</b>	<b>\$350</b>	<b>\$525.00</b>
5/30/2009		Draft reply	6.90	<b>NT</b>	<b>N</b>	<b>N</b>	<b>6.9</b>	<b>\$350</b>	<b>\$2,415.00</b>
5/31/2009		Edit reply and send to proofer (BM & CP)	2.30	<b>NT</b>	<b>N</b>	<b>N</b>	<b>2.3</b>	<b>\$350</b>	<b>\$805.00</b>
6/2/2009		Meet witness TB re: Gaittens' testimony, interview and speak with supervisor at background	0.70	<b>NT</b>	<b>N</b>	<b>N</b>	<b>0.7</b>	<b>\$350</b>	<b>\$245.00</b>
6/3/2009		Conform and file reply to city post hearing trial brief on back pay	0.30	<b>NT</b>	<b>N</b>	<b>N</b>	<b>0.3</b>	<b>\$350</b>	<b>\$105.00</b>
6/3/2009		Tx from chambers re: courtesy copy (second) of fee petition requested	0.10	<b>NT</b>	<b>N</b>	<b>N</b>	<b>0.1</b>	<b>\$350</b>	<b>\$35.00</b>
6/3/2009		ECF in Def response to second fee pet. Print and read	0.40	<b>NT</b>	<b>N</b>	<b>N</b>	<b>0.4</b>	<b>\$350</b>	<b>\$140.00</b>
6/4/2009		Conform courtesy copy of fee petition for Judge and clerk; hand file	2.30	<b>NT</b>	<b>N</b>	<b>N</b>	<b>2.3</b>	<b>\$350</b>	<b>\$805.00</b>

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6/4/2009		Call from Chambers re: courtesy copy wished for any response	0.10	NT	N	N	0.1	\$350	\$35.00
6/4/2009		Email from city Re letter to the Court - read print and reply	0.20	NT	N	N	0.2	\$350	\$70.00
6/4/2009		Meet TB re: amend declaration	0.00	NT	N	N	0	\$350	\$0.00
6/5/2009		Read letter attachment on email which could not be read on blackberry, draft Reply/opposition to letter request of City to enlarge time to reply to fee petitions	1.10	NT	N	N	1.1	\$350	\$385.00
6/5/2009		Conform supplemental response to City post hearing brief, make courtesy copy	0.60	NT	Y	N	0	\$350	\$0.00
6/20/2009		Notice in, via ecf, from city, review and advise clients	0.20	NT	Y	N	0	\$350	\$0.00
6/21/2009		Read notice and decision, legal research on cases	2.40	NT	Y	N	0	\$350	\$0.00
6/21/2009		Client contact (all there) re; Notice and decision discussed, plus reply	1.30	NT	Y	N	0	\$350	\$0.00

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6/22/2009		Review Defendant Documents/trial books and attachment to motion	3.40	NT	Y	N	0	\$350	\$0.00
6/22/2009		Draft started for reply to notice	4.30	NT	Y	N	0	\$350	\$0.00
6/22/2009		Sent draft to be reviewed and edited (Beth and Cynthia)	0.10	NT	Y	N	0	\$350	\$0.00
6/22/2009		Draft review returned and reviewed	0.30	NT	Y	N	0	\$350	\$0.00
6/23/2009		Edit draft and resent for review, proof and edits (to Cynthia and Beth)	2.10	NT	Y	N	0	\$350	\$0.00
6/23/2009		Edit/proofing returned and reviewed. Conformed to PDF, scan exhibits, file	0.40	NT	Y	N	0	\$350	\$0.00
6/26/2009		ECF in from City, review memo, review case law cited	2.10	NT	Y	N	0	\$350	\$0.00
6/26/2009		Email and letter in from GV re: EEOC charge by RC	0.20	NT	N	N	0.2	\$350	\$70.00
6/27/2009		Draft reply to City memo on exhaustion, EEOC & Discipline matters	6.30	NT	Y	N	0	\$350	\$0.00

**Appendix**

<b>Date</b>	<b>Appeal</b>	<b>Description</b>	<b>Time (Hours)</b>	<b>Type</b>	<b>Delete as Unsuccessful? Y/N</b>	<b>Delete as Unnecessary? Y/N</b>	<b>Allowable Hours</b>	<b>Hourly Rate for Type</b>	<b>Allowable Fee</b>
6/27/2009		Forward draft to client for comment and to CP and BM for edits	0.10	NT	Y	N	0	\$350	\$0.00
6/29/2009		Email reply to GV for 6/26 email, draft and send Rule 11 letter to GV	0.50	NT	N	Y	0	\$350	\$0.00
6/29/2009		Edits and comments back, edit draft with comment from client	0.90	NT	Y	N	0	\$350	\$0.00
6/29/2009		Send draft edited to clients for review and to CY and BM for proofing	0.10	NT	Y	N	0	\$350	\$0.00
6/30/2009		Received proofing and comments, edit reply to add additional argument	1.60	NT	Y	N	0	\$350	\$0.00
6/30/2009		Send to CY for final proofing	0.00	NT	Y	N	0	\$350	\$0.00
7/1/2009		Review Edits from CP, conform to PDF and file w/ Ct through ECF	0.50	NT	Y	N	0	\$350	\$0.00
7/2/2009		Prep Praecipe and attachment, conform and file	0.80	NT	N	N	0.8	\$350	\$280.00
7/8/2009		Opinion and order in re: RC equity relief, review and send to clients	0.80	NT	N	N	0.8	\$350	\$280.00

**Appendix**

<b>Date</b>	<b>Appeal</b>	<b>Description</b>	<b>Time (Hours)</b>	<b>Type</b>	<b>Delete as Unsuccessful? Y/N</b>	<b>Delete as Unnecessary? Y/N</b>	<b>Allowable Hours</b>	<b>Hourly Rate for Type</b>	<b>Allowable Fee</b>
7/8/2009		Phone conf w/ clients re: decision and trial strategy	1.20	NT	N	N	1.2	\$350	\$420.00
7/9/2009		Dket review & start draft of Notice w/d w/o prej neg tax impact relief	0.80	NT	N	N	0.8	\$350	\$280.00
7/10/2009		Edit notice, send to CP & BM for proofing	0.60	NT	N	N	0.6	\$350	\$210.00
7/16/2009		Order in re: City to reply to interest mo, review and advise clients	0.50	NT	N	N	0.5	\$350	\$175.00
7/23/2009		City reply to interest received, review and advise clients	1.10	NT	N	N	1.1	\$350	\$385.00
7/27/2009		Orders in re: interest in Judgment, review and client contact	0.60	NT	N	N	0.6	\$350	\$210.00
7/28/2009		Call in from City new atty EE re: mo for more time	0.10	NT	N	N	0.1	\$350	\$35.00
7/28/2009		City Mos in (Stay and more time) review and client conference re mos	2.20	NT	N	N	2.2	\$350	\$770.00
7/28/2009		Draft opposition to City 2 motions (Stay and more time)	7.80	NT	N	N	7.8	\$350	\$2,730.00
7/28/2009		Send to proof reader	0.00	NT	N	N	0	\$350	\$0.00
7/29/2009		Edit, conform and file	2.60	NT	N	N	2.6	\$350	\$910.00



**Appendix**

<b>Date</b>	<b>Appeal</b>	<b>Description</b>	<b>Time (Hours)</b>	<b>Type</b>	<b>Delete as Unsuccessful? Y/N</b>	<b>Delete as Unnecessary? Y/N</b>	<b>Allowable Hours</b>	<b>Hourly Rate for Type</b>	<b>Allowable Fee</b>
7/30/2009		City Reply in, review, call clients advise	1.30	NT	N	N	1.3	\$350	\$455.00
7/30/2009		Draft sur reply, send to proof reader	6.80	NT	N	Y	0	\$350	\$0.00
7/31/2009		Work on Sur reply	3.60	NT	N	Y	0	\$350	\$0.00
7/31/2009		Order in City mo granted, review, advise clients	0.70	NT	N	N	0.7	\$350	\$245.00
7/31/2009		Complete work of sur reply, reconsider and reuse motion	3.50	NT	N	Y	0	\$350	\$0.00
8/2/2009		Meet clients... re: post trial motions and appeal, draft post trial motions	5.50	NT	Y	N	0	\$350	\$0.00
8/2/2009		Legal Research, re 15B Mo& More Time for PT MOL	3.20	NT	Y	Y	0	\$350	\$0.00
8/2/2009		Start Mo for More time, re: post trial mo/MOL	3.60	NT	N	N	3.6	\$350	\$1,260.00
8/3/2009		Start 15b Mo	6.80	NT	Y	Y	0	\$350	\$0.00
8/3/2009		Edit Mo more time and send for proofing (Cynthia and Beth)	2.80	NT	N	N	2.8	\$350	\$980.00
8/4/2009		Edit Mo 15b	9.70	NT	Y	Y	0	\$350	\$0.00
8/4/2009		Final Edit Mo to Enlarge Time to file PT memo	3.00	NT	N	N	3	\$350	\$1,050.00
8/4/2009		Edit 15b mo and send for proofing (Cynth & Beth)	2.50	NT	Y	Y	0	\$350	\$0.00

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8/5/2009		Order In Mo enlarge time - review - granted- notify clients	0.20	NT	N	N	0.2	\$350	\$70.00
8/5/2009		Review Proofing (Cynthia and Beth) on 15b and modify (edit) & file	3.50	NT	Y	Y	0	\$350	\$0.00
8/6/2009		Work on Post trial Mo	4.20	NT	Y	N	0	\$350	\$0.00
8/10/2009		City post trial mo in, forward copies to clients	0.20	NT	N	N	0.2	\$350	\$70.00
8/10/2009		Final review and Edit, File Post trial mo	2.10	NT	Y	N	0	\$350	\$0.00
8/11/2009		Review City Post Trial Mo	0.40	NT	N	N	0.4	\$350	\$140.00
8/12/2009		Client conference, re: City Post trial motion	1.20	NT	N	N	1.2	\$350	\$420.00
8/15/2009		Prep issue for Sunday memo conference	4.70	NT	N	N	4.7	\$350	\$1,645.00
8/16/2009		Draft memo with CP and BM	10.80	NT	Y	N	0	\$350	\$0.00
8/17/2009		Edit memo and research law	12.00	NT	Y	N	0	\$350	\$0.00
8/19/2009		Review Ct transcripts, edit MOL, send draft to clients	9.40	NT	Y	N	0	\$350	\$0.00
8/20/2009		Clerks office to see file re: minutes and ev Ct wants about PAHRA	3.50	NT	Y	N	0	\$350	\$0.00

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8/20/2009		Confer with clients and staff re: MOL, 1997 PAHRA Amd case	2.50	NT	Y	N	0	\$350	\$0.00
8/21/2009		BM to Clerk ofc review file - receive status report	0.50	NT	Y	N	0	\$350	\$0.00
8/21/2009		Praecipe, re: Pending amd mo - no opp by city	0.60	NT	Y	N	0	\$350	\$0.00
8/21/2009		Review Client suggestions, edit, return to clients n for proofing by CP n BM	8.70	NT	Y	N	0	\$350	\$0.00
8/22/2009		Review file, docket and court transcripts, edit memo	12.90	NT	Y	N	0	\$350	\$0.00
8/23/2009		Client conf re: MOL to be filed 8/24	0.70	NT	Y	N	0	\$350	\$0.00
8/24/2009		Edit Prof back, review edit on Memo, conform to PDF and file	6.10	NT	Y	N	0	\$350	\$0.00
8/24/2009		City opp to Amd (city) and City posttrial MOL in ECF - send to clients	0.40	NT	Y	N	0	\$350	\$0.00
8/24/2009		Review City Opp n MOL Judgment matter of law / new trial	2.30	NT	N	N	2.3	\$350	\$805.00
8/25/2009		Order in ECF, review print and advise clients	0.30	NT	N	N	0.3	\$350	\$105.00

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8/25/2009		Client contact re: City MOL Discuss and what action to take	1.20	NT	N	N	1.2	\$350	\$420.00
8/25/2009		Prepare and file NOA and Amended Notice of Appeal	0.80	NT	Y	N	0	\$350	\$0.00
8/25/2009		ECF in from Clerk, RE: Notice of appeal	0.10	NT	Y	N	0	\$350	\$0.00
8/25/2009		Draft Opposition response to City New trial Motion	8.20	NT	N	N	8.2	\$350	\$2,870.00
9/10/2009		Proof Back, review, edit conform to PDF and file	1.70	NT	N	N	1.7	\$350	\$595.00
9/11/2009		Letter in from Judge re: Beth McKenna complaint, inform clients	0.00	NT	N	N	0	\$350	\$0.00
9/17/2009		City Reply MOL to Pltf Opp re: City Mo for judgment, print, send and read	1.80	NT	N	N	1.8	\$350	\$630.00
9/17/2009		Client conference of City reply	0.80	NT	N	N	0.8	\$350	\$280.00
9/18/2009		Prepare draft response to City reply	2.60	NT	N	Y	0	\$350	\$0.00
9/18/2009		Draft to proofer	0.10	NT	N	Y	0	\$350	\$0.00
9/23/2009		Draft back, review	0.20	NT	N	Y	0	\$350	\$0.00

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9/23/2009		Opening Papers, 3c. prepare issues and opening papers	1.60	NT	Y	N	0	\$350	\$0.00
9/24/2009		Final edit and Review of Response to City Reply, conform to PDF and file	0.60	NT	N	Y	0	\$350	\$0.00
9/28/2009		Order in, review, advise clients	0.20	NT	N	N	0.2	\$350	\$70.00
9/28/2009		ECF Mess in from clerk, re: Appeal docket, review	0.10	NT	Y	N	0	\$350	\$0.00
9/28/2009		Client contact re: Cts order	0.20	NT	N	N	0.2	\$350	\$70.00
10/7/2009		Prepare Transcript Order form	0.20	NT	Y	N	0	\$350	\$0.00
10/9/2009		ECF in re: Clerk notice of appeal	0.00	NT	N	N	0	\$350	\$0.00
10/23/2009		ECF in re: Clerk TPO notice	0.00	NT	N	N	0	\$350	\$0.00
10/27/2009		ECF Mess in re: Transcript available	0.00	NT	N	N	0	\$350	\$0.00
11/3/2009		ECF mess in re: Clerk Notice record Complete for appeal	0.00	NT	N	N	0	\$350	\$0.00
Dec-09		Stay Appeal Order review and inform client	0.10	NT	Y	N	0	\$350	\$0.00
1/21/2010		Tx with client re letter to be part of record	0.00	NT	N	N	0	\$350	\$0.00

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1/25/2010		Praeipce filed to attach letter	0.00	<b>NT</b>	<b>N</b>	<b>N</b>	<b>0</b>	<b>\$350</b>	<b>\$0.00</b>
1/28/2010		ECF in re: Stay appeal order from 3c	0.10	<b>NT</b>	<b>Y</b>	<b>N</b>	<b>0</b>	<b>\$350</b>	<b>\$0.00</b>
1/28/2010		Advise client of stay order	0.30	<b>NT</b>	<b>Y</b>	<b>N</b>	<b>0</b>	<b>\$350</b>	<b>\$0.00</b>
3/28/2010		28 File review / check for costs issue, prepare Praeipce to Clerk re: costs	0.40	<b>NT</b>	<b>N</b>	<b>N</b>	<b>0.4</b>	<b>\$350</b>	<b>\$140.00</b>
4/1/2010		Praeipce to Clerk to access costs	0.20	<b>NT</b>	<b>N</b>	<b>N</b>	<b>0.2</b>	<b>\$350</b>	<b>\$70.00</b>
4/6/2010		City opp response to costs, print, review, tell clients, legal research, pre reply	9.70	<b>NT</b>	<b>N</b>	<b>N</b>	<b>9.7</b>	<b>\$350</b>	<b>\$3,395.00</b>
4/6/2010		Proof in on Reply re: atty Fee issue, review proofing	1.10	<b>NT</b>	<b>N</b>	<b>N</b>	<b>1.1</b>	<b>\$350</b>	<b>\$385.00</b>
4/8/2010		Conform Reply re: atty fee issue, and file	0.30	<b>NT</b>	<b>N</b>	<b>N</b>	<b>0.3</b>	<b>\$350</b>	<b>\$105.00</b>
4/15/2010		ECF In Clerk Notice, argument 6-2	0.20	<b>NT</b>	<b>N</b>	<b>Y</b>	<b>0</b>	<b>\$350</b>	<b>\$0.00</b>
5/13/2010		ECF In Clerk Notice, argument 6-2	0.10	<b>NT</b>	<b>N</b>	<b>Y</b>	<b>0</b>	<b>\$350</b>	<b>\$0.00</b>
5/13/2010		ECF notice in from city EE, unavailable, advise clients	0.40	<b>NT</b>	<b>N</b>	<b>Y</b>	<b>0</b>	<b>\$350</b>	<b>\$0.00</b>
5/14/2010		Ltr to Court, objection to moving argument	1.10	<b>NT</b>	<b>N</b>	<b>Y</b>	<b>0</b>	<b>\$350</b>	<b>\$0.00</b>

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7/20/2010		Cts Decision In, read, print and send to clients	1.80		N	N	1.8	\$350	\$630.00
7/20/2010		Clients contact re: Decision	1.10	NT	N	N	1.1	\$350	\$385.00
7/23/2010		Second Amended Notice of Appeal prepared, conformed and filed	0.30	NT	Y	N	0	\$350	\$0.00
8/12/2010		ECF in City Appeal Notice, review and advise clients	0.20	NT	N	N	0.2	\$350	\$70.00
8/27/2010		ECF in (4) withdrawal of Appearances for City's attys.	0.20	NT	N	N	0.2	\$350	\$70.00
8/31/2010		ECF in Withdraw Appr by Dexter	0.10	NT	N	N	0.1	\$350	\$35.00
9/20/2011		Client contact – appeal, execute on judgment demand Client contact demand execute on judgment Client contact, caused judgment to be entered in DC (Beth per CP)	0.00	NT	N	N	0	\$350	\$0.00
9/27/2011		Order in, re: provide status report	0.10	NT	N	N	0.1	\$350	\$35.00
9/28/2011		Review File, Draft Status report	0.90	NT	N	N	0.9	\$350	\$315.00

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9/30/2011		Edit, conform and file Pltf Status Report	0.30	<b>NT</b>	<b>N</b>	<b>N</b>	<b>0.3</b>	<b>\$350</b>	<b>\$105.00</b>
10/6/2011		Client conference	2.30	<b>NT</b>	<b>N</b>	<b>N</b>	<b>2.3</b>	<b>\$350</b>	<b>\$805.00</b>
10/7/2011		ECF In clients enter pro se appearance	0.10	<b>NT</b>	<b>N</b>	<b>N</b>	<b>0.1</b>	<b>\$350</b>	<b>\$35.00</b>
10/13/2011		ECF in City Status report	0.10	<b>NT</b>	<b>N</b>	<b>N</b>	<b>0.1</b>	<b>\$350</b>	<b>\$35.00</b>
10/13/2011		ECF In Pro Se Pet for hearing	0.30	<b>NT</b>	<b>N</b>	<b>Y</b>	<b>0</b>	<b>\$350</b>	<b>\$0.00</b>
10/13/2011		Prepare Supple Status Report	0.30	<b>NT</b>	<b>N</b>	<b>Y</b>	<b>0</b>	<b>\$350</b>	<b>\$0.00</b>
10/14/2011		Review Supp Stat rpt, conform and file	0.20	<b>NT</b>	<b>N</b>	<b>Y</b>	<b>0</b>	<b>\$350</b>	<b>\$0.00</b>
10/14/2011		ECF in City Suppl Status report, read	0.10	<b>NT</b>	<b>N</b>	<b>Y</b>	<b>0</b>	<b>\$350</b>	<b>\$0.00</b>
10/14/2011		Order in, read, set hearing	0.10	<b>NT</b>	<b>N</b>	<b>N</b>	<b>0.1</b>	<b>\$350</b>	<b>\$35.00</b>
10/19/2011		ECF In pro se suppl status	0.10	<b>NT</b>	<b>N</b>	<b>Y</b>	<b>0</b>	<b>\$350</b>	<b>\$0.00</b>
10/19/2011		Prepare, edit, conform and file reply to city Status report	0.50	<b>NT</b>	<b>N</b>	<b>Y</b>	<b>0</b>	<b>\$350</b>	<b>\$0.00</b>
10/20/2011		Prep for hearing	2.30	<b>NT</b>	<b>N</b>	<b>N</b>	<b>2.3</b>	<b>\$350</b>	<b>\$805.00</b>
10/21/2011		Hearing portal to portal, re: City reqst who to pay/make check to	3.50	<b>NT</b>	<b>N</b>	<b>N</b>	<b>3.5</b>	<b>\$350</b>	<b>\$1,225.00</b>
10/24/2011		ECF in re: minutes of hearing filed	0.00	<b>NT</b>	<b>N</b>	<b>N</b>	<b>0</b>	<b>\$350</b>	<b>\$0.00</b>
10/25/2011		Order in, read. Re: Pro Se have ECF access/use	0.10	<b>NT</b>	<b>N</b>	<b>Y</b>	<b>0</b>	<b>\$350</b>	<b>\$0.00</b>



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10/26/2011		Order in City to Pay clients directly	0.10	NT	N	N	0.1	\$350	\$35.00
10/27/2011		ECF in City paying clients directly	0.10	NT	N	N	0.1	\$350	\$35.00
11/1/2011		ECF in, 10/20 hearing Transcript available/filed	0.10	NT	N	N	0.1	\$350	\$35.00
11/10/2011		Review file and prior filings to complete fee issue / Draft Final Fee submission	4.60	NT	N	N	4.6	\$350	\$1,610.00
11/11/2011		Contact atty Erba and Wiley for Affidavits also edit Final Fee submission	3.30	NT	N	N	3.3	\$350	\$1,155.00
11/11/2011		Collect & Send to Erba and Wiley times work and Docket for Affidavits	0.30	NT	N	N	0.3	\$350	\$105.00
11/11/2011		Draft Final Fee Petition Submission	2.60	NT	N	N	2.6	\$350	\$910.00
11/19/2011		Go over time and conform to spreadsheet w/ JG	2.40	NT	N	N	2.4	\$350	\$840.00
11/20/2011		Final on Fee Petition Suppliment	1.20	NT	N	N	1.2	\$350	\$420.00
8/30/2010	A	Briefing schedule in, review and inform clients	0.30	NT	Y	N	0	\$350	\$0.00
9/19/2010	A	Read DC Decision on PT Motions, read City's PT Motion	6.90	NT	Y	N	0	\$350	\$0.00

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9/20/2010	A	Electronic Legal Research of law, current status, review Court's law	4.20	NT	Y	N	0	\$350	\$0.00
9/21/2010	A	Conform Form of Brief - per court rule- create brief outline	3.60	NT	Y	N	0	\$350	\$0.00
9/21/2010	A	Draft Brief	12.60	NT	Y	N	0	\$350	\$0.00
9/26/2010	A	Redline back from Beth, review	2.10	NT	Y	N	0	\$350	\$0.00
10/1/2010	A	Edit Draft/Brief	7.80	NT	Y	N	0	\$350	\$0.00
10/7/2010	A	Opening papers, prepared, Marshall orders, Declaration done and papers filed	1.20	NT	Y	N	0	\$350	\$0.00
10/15/2010	A	Marshall Joint Appendix Documents	4.80	NT	Y	N	0	\$350	\$0.00
10/16/2010	A	Continue Marshall Documents	3.50	NT	Y	N	0	\$350	\$0.00
10/19/2010	A	Organize Joint Appendix for numbering	5.90	NT	Y	N	0	\$350	\$0.00
10/20/2010	A	Prepare cover and Index for joint appendix, conform master JA	2.60	NT	Y	N	0	\$350	\$0.00
10/22/2010	A	Joint Appendix to printer Costs \$7,118.00	0.80	NT	Y	N	0	\$350	\$0.00
10/27/2010	A	Edit Draft	5.60	NT	Y	N	0	\$350	\$0.00
11/1/2010	A	Brief work, draft	12.60	NT	Y	N	0	\$350	\$0.00

**Appendix**

<b>Date</b>	<b>Appeal</b>	<b>Description</b>	<b>Time (Hours)</b>	<b>Type</b>	<b>Delete as Unsuccessful? Y/N</b>	<b>Delete as Unnecessary? Y/N</b>	<b>Allowable Hours</b>	<b>Hourly Rate for Type</b>	<b>Allowable Fee</b>
11/3/2010	A	Brief work, draft	9.00	NT	Y	N	0	\$350	\$0.00
11/4/2010	A	Brief work, draft	10.40	NT	Y	N	0	\$350	\$0.00
11/5/2010	A	Received review City Opening papers	0.20	NT	N	N	0.2	\$350	\$70.00
11/5/2010	A	City Designation	0.20	NT	N	N	0.2	\$350	\$70.00
11/7/2010	A	Edit draft	3.40	NT	Y	N	0	\$350	\$0.00
11/8/2010	A	Edit Brief and send to Alice	6.70	NT	Y	N	0	\$350	\$0.00
11/10/2010	A	Return from Alice, review Edits and add	2.30	NT	Y	N	0	\$350	\$0.00
11/10/2010	A	Brief to proofer	0.10	NT	Y	N	0	\$350	\$0.00
11/11/2010	A	Review proofs/ edit	1.70	NT	Y	N	0	\$350	\$0.00
11/11/2010	A	Check current law, print sign	2.00	NT	Y	N	0	\$350	\$0.00
11/11/2010	A	Brief to printer /binder Costs \$399.00	0.90	NT	Y	N	0	\$350	\$0.00
11/12/2010	A	Review brief back, prepare electronic brief	2.10	NT	Y	N	0	\$350	\$0.00
11/12/2010	A	Scan JA	4.20	NT	Y	N	0	\$350	\$0.00
11/12/2010	A	Electronic filings brief and appendix, service to brief on Ct and City	0.90	NT	Y	N	0	\$350	\$0.00
12/6/2010	A	Printer binding cost reprint Vol 5 Cost \$367.75 (1471 pages @ .25 page)	2.70	NT	Y	Y	0	\$350	\$0.00
1/26/2011	A	City Mo exceed page length	0.10	NT	Y	N	0	\$350	\$0.00

**Appendix**

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1/26/2011	A	City Merit Brief, forward to clients	0.30	NT	N	N	0.3	\$350	\$105.00
1/27/2011	A	Read City Merit Brief	2.10	NT	N	N	2.1	\$350	\$735.00
1/27/2011	A	Order in City granted City Mos and more time to file brief by 1-28	0.10	NT	N	N	0.1	\$350	\$35.00
2/1/2011	A	Outline for issues and Reply Brief (step 3 brief)	1.70	NT	Y	N	0	\$350	\$0.00
2/1/2011	A	Draft step three brief	2.05	NT	Y	N	0	\$350	\$0.00
<i>ditto</i>	A	Draft step three brief	2.05	NT	N	N	2.05	\$350	\$717.50
2/2/2011	A	Draft step three brief	1.60	NT	Y	N	0	\$350	\$0.00
<i>ditto</i>	A	Draft step three brief	1.60	NT	N	N	1.6	\$350	\$560.00
2/3/2011	A	Draft work on step three brief	1.35	NT	Y	N	0	\$350	\$0.00
<i>ditto</i>	A	Draft work on step three brief	1.35	NT	N	N	1.35	\$350	\$472.50
2/4/2011	A	Marshall Doc for Suppl Appendix & Number sup appendix	3.10	NT	N	N	3.1	\$350	\$1,085.00
2/5/2011	A	Supp Appendix to printer/binder	0.60	NT	N	N	0.6	\$350	\$210.00
2/7/2011	A	Edit draft step three	4.20	NT	Y	N	0	\$350	\$0.00
<i>ditto</i>	A	Edit draft step three	4.20	NT	N	N	4.2	\$350	\$1,470.00
2/7/2011	A	Send step three brief for proofing	0.10	NT	Y	N	0	\$350	\$0.00
<i>ditto</i>	A	Send step three brief for proofing	0.10	NT	N	N	0.1	\$350	\$35.00

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2/10/2011	A	Proof back, review	0.20	NT	Y	N	0	\$350	\$0.00
<i>ditto</i>	A	Proof back, review	0.20	NT	N	N	0.2	\$350	\$70.00
2/10/2011	A	Edit, check law, print sign, send to printers (35 pgs x 19 copies = 665 pages x .25)	0.70	NT	Y	N	0	\$350	\$0.00
<i>ditto</i>	A	Edit, check law, print sign, send to printers (35 pgs x 19 copies = 665 pages x .25)	0.70	NT	N	N	0.7	\$350	\$245.00
2/11/2011	A	Prep Mo to file Suppl Appendix	2.10	NT	N	N	2.1	\$350	\$735.00
2/12/2011	A	Pick-up printed Suppl Appendix Costs \$ 241.50	0.60	NT	N	N	0.6	\$350	\$210.00
2/12/2011	A	Conform step three, PDF, file step 3 brief	0.35	NT	Y	N	0	\$350	\$0.00
<i>ditto</i>	A	Conform step three, PDF, file step 3 brief	0.35	NT	N	N	0.35	\$350	\$122.50
2/12/2011	A	Edit, conform and File Mo to file sup appendix	0.40	NT	N	N	0.4	\$350	\$140.00
2/18/2011	A	City ECF Mo to file brief late (seek more time), read	0.20	NT	N	N	0.2	\$350	\$70.00
3/2/2011	A	ECF Notice City Mo to merit panel, clients informed	0.30	NT	N	N	0.3	\$350	\$105.00
3/10/2011	A	Order in, City Mo granted	0.10	NT	N	N	0.1	\$350	\$35.00

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3/15/2011	A	City step 4 brief in, send to clients	0.30	NT	N	N	0.3	\$350	\$105.00
3/15/2011	A	Review City step 4 brief	0.50	NT	N	N	0.5	\$350	\$175.00
3/16/2011	A	Read step 4 and check law on line	3.30	NT	N	N	3.3	\$350	\$1,155.00
3/22/2011	A	Order in, mo to supp appendix to merit panel	0.10	NT	N	N	0.1	\$350	\$35.00
4/29/2011	A	Clerk Notice in, re; Argument dates	0.10	NT	N	N	0.1	\$350	\$35.00
5/2/2011	A	Argument counsel notice prepared conformed and filed	0.30	NT	N	N	0.3	\$350	\$105.00
2-May	A	Court Order in- file 5th brief on Staubs	0.10	NT	N	N	0.1	\$350	\$35.00
2-May	A	Research Staub	1.60	NT	N	N	1.6	\$350	\$560.00
6/1/2011	A	Outline brief	0.70	NT	N	N	0.7	\$350	\$245.00
6/3/2011	A	Draft brief	5.60	NT	N	N	5.6	\$350	\$1,960.00
6/4/2011	A	Edit draft brief	2.80	NT	N	N	2.8	\$350	\$980.00
6/5/2011	A	Edit draft, send for proofing	0.20	NT	N	N	0.2	\$350	\$70.00
6/6/2011	A	Step 5 back, review	0.60	NT	N	N	0.6	\$350	\$210.00
6/7/2011	A	Step Five print sign and to Printers Cost \$57.00 (12 pg x19=228 pgs x .25)	0.80	NT	N	N	0.8	\$350	\$280.00
6/8/2011	A	Step Five brief back, conform and filed	0.30	NT	N	N	0.3	\$350	\$105.00

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6/29/2011	A	Order in for argument, notify clients	0.30	NT	N	N	0.3	\$350	\$105.00
7/9/2011	A	Prep for argument	2.80	NT	Y	N	0	\$350	\$0.00
<i>ditto</i>	A	Prep for argument	2.80	NT	N	N	2.8	\$350	\$980.00
7/10/2011	A	Prepare for argument	1.15	NT	Y	N	0	\$350	\$0.00
<i>ditto</i>	A	Prepare for argument	1.15	NT	N	N	1.15	\$350	\$402.50

**Appendix**

Date	Appeal	Description	Time (Hours)	Type	Delete as Unsuccessful? Y/N	Delete as Unnecessary? Y/N	Allowable Hours	Hourly Rate for Type	Allowable Fee
7/11/2011	A	Argument portal to portal Cost- Train \$11.50	3.15	T	Y	N	0	\$450	\$0.00
<i>ditto</i>	A	Argument portal to portal Cost- Train \$11.50	3.15	T	N	N	3.15	\$450	\$1,417.50
8/17/2011	A	Decision	0.30	NT	Y	N	0	\$350	\$0.00
<i>ditto</i>	A	Decision	0.30	NT	N	N	0.3	\$350	\$105.00
8/17/2011	A	Client call on Decision	0.20	NT	Y	N	0	\$350	\$0.00
<i>ditto</i>	A	Client call on Decision	0.20	NT	N	N	0.2	\$350	\$70.00
8/17/2011	A	Send form of rehearing to Client	0.20	NT	Y	N	0	\$350	\$0.00
8/19/2011	A	Error Notice to Court for Judgment date. Draft and send	0.70	NT	N	N	0.7	\$350	\$245.00
9/7/2011	A	Edit Rehearing Petition, conform add law an file	1.40	NT	Y	N	0	\$350	\$0.00
9/14/2011	A	Decision in on rehearing, inform clients	0.20	NT	Y	N	0	\$350	\$0.00
9/21/2011	A	Mandate / Judgment in	0.10	NT	Y	N	0	\$350	\$0.00
<b>TOTAL</b>							<b>1,037.65</b>		<b>\$371,522.50</b>

Subtotals					Hours	Rate	Fee
Trial					83.45	\$450	\$37,552.50
Non-Trial					954.2	\$350	\$333,970.00
<b>TOTAL</b>					<b>1037.65</b>		<b>\$371,522.50</b>